

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.9180 OF 2022

**ANANTKUMAR MUNJAJI KURHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS**

...

Advocate for Petitioners : Mr. P. D. Suryawanshi
AGP for Respondents – State : Mr. K. B. Jadhavar
Advocate for Respondent No.6 : Mr. P. D. Bachate
Advocate for Respondent Nos. 2 & 3 : Mr. S. K. Kadam

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 23rd SEPTEMBER, 2022

PER COURT :

1. Petitioners are aggrieved by deletion of their names in final voters' list of respondent No.5 Society. It is the case of petitioners that they are valid members of respondent No.5 Society since 2016-2017 onwards and they have also availed loan from the Society. Ignoring this aspect and documents placed on record, the Election Officer has erroneously deleted their names from final voters' list.
2. Respondent No.5 Society has filed affidavit-in-reply and has supported the petition contending that petitioners are valid members of it.
3. Learned advocate for respondent Nos.2 and 3, however,

has pointed out the remarks in audit report, which the petitioners are also relied upon, to the effect that Society, at the time of conducting audit report, has not made available proceedings of the Meeting, members list is not maintained as per Rule 39(J), applications are not taken from members for shares, shares register is not maintained. In the audit report, it is also observed that new members are not inducted by following due procedure, so also, By-law No.6 is not applied with, members registers 'I' and 'J' are not maintained, share certificates are not issued to the members.

4. Since this petition raises several disputed questions of facts and as the election program is at advanced stage, in the light of **Dattatray Genaba Lole and Others Vs. The Divisional Joint Registrar, Cooperative Societies, Pune and Others**, reported in **2022(1) BomCR 471**, petitioners have alternate and efficacious remedy available.

5. In the light of above, writ petition is dismissed with liberty to the petitioners to avail alternate remedy. All the contentions of the petitioner are kept open.

(NITIN B. SURYAWANSHI, J.)