

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

**WRIT PETITION NO.9506 OF 2022**

Arun Laxman Phad

... Petitioner

**Versus**

The State of Maharashtra & Ors.

... Respondents

...

Mr. S. D. Munde, Advocate for the Petitioner

Mr. S. B. Pulkundwar, AGP for Respondents/State

Mr. S. K. Kadam, Advocate for Respondent Nos.2 to 4

...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 20<sup>th</sup> September, 2022**

**PER COURT :-**

1. This petition impugns the order dated 08-09-2022 passed by respondent no.3, thereby rejecting the objection of the petitioner to include names of members in the final voters list of respondent no.5/Society.

2. Learned Advocate representing respondent nos.2 to 4, by relying on the decision of the Division Bench of this Court at Principal Seat in Writ Petition No.5878 of 2021 (*Dattatray Genaba Lole and Others V/s The Divisional Joint Registrar Co-operative Societies, Pune and Others*) submitted that the petitioner has alternate efficacious remedy, hence, the petition may be dismissed.

In that case, the Division Bench held the petition to be not maintainable and dismissed the same on the ground of availability of alternate remedy of filing election petition.

3. In the light of the above decision, this petition is not maintainable, the same is dismissed, with liberty to the petitioner to file election petition under Section 91 of the Maharashtra Co-operative Societies Act, 1960 read with Rule 78 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014. All the contentions of petitioner are kept open.

**[NITIN B. SURYAWANSHI, J.]**

*Sameer*