

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

WRIT PETITION NO.11191 OF 2022

Baburao Gopichand Rathod

Versus

The State of Maharashtra,
through its Principal Secretary and Others

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Mr. R.K. Ingole, Advocate for the petitioner
Mr. K.B. Jadhavar, AGP for the Respondent – State
Mr. S.K. Kadam, Advocate for Respondent No.2

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CORAM : SANDEEP V. MARNE, J.

DATE : 09-11-2022

PER COURT :

. By the present petition, the petitioner has challenged the order dated 17.10.2022 passed by the District Co-operative Election Officer not including his name in the final voters list. The election programme is already declared on 07.11.2022. There can be no doubt to the proposition that the preparation of final voters list is also one of the intermediate steps towards conduct of elections. The final voters list has been published on 21.10.2022. The petitioner has belatedly moved this Court challenging the order dated 17.10.2022.

2. This Court in **Dattatray Genaba Lole vs. the Divisional Joint Registrar**, Writ Petition No.5878 of 2021 decided on 26.11.2021

has held that the writ petitions are not maintainable against any intermediate stage of election process and the only remedy available to the aggrieved person is to file election petition under Section 91 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as 'Act of 1960') read with Rule 78 of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014 (hereinafter referred to as 'Rules of 2014').

3. To make things worst, the petitioner has not impleaded the complainant at whose behest the name of the petitioner has been excluded from the final voters list.

4. In view of these facts and circumstances of the case, I am not inclined to entertain the present petition. The same is dismissed. The petitioner shall however have the liberty to file election petition under Section 91 of the Act of 1960 read with Rule 78 of the Rules of 2014.

(SANDEEP V. MARNE, J.)

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