

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 11515 OF 2022

Kokate Hanumant Dattu & Ors.

....Petitioners

Versus

The State Co-operative Election
Authority, MS Pune & Ors.

....Respondents

...

Mr. P.H. Sukale, Advocates for the petitioners.

Mr. S.K. Kadam, Advocates for respondents Nos. 1 and 2.

Mr. S.G. Jadhavar, AGP for respondent No. 3.

Mr. A.T. Ghute, Advocate for respondent No. 4.

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CORAM : ARUN R. PEDNEKER, J.

Dated : 28/11/2022

ORDER :

1. By the present writ petition, the petitioners are challenging the order dated 31.10.2022 passed by the respondent No. 2 - District Co-operative Election Officer (APMC) and District Deputy Registrar, Co-operative Societies, Beed, by which the names of the petitioners were deleted from the provisional voters list of respondent No. 3 - Agricultural Produce Market Committee (APMC), Dharur, Dist. Beed from trader constituency. The impugned order was passed by respondent No. 2 on the basis of objection raised by respondent No. 4/caveator.

2. In the similar set of facts after considering the submissions of the parties, this Court (Coram : Sandeep V. Marne, J) dismissed the Writ Petition No. 11192/2022 (Dhairyashail s/o. Vishnu Darekar and

Ors. Vs. the State of Maharashtra) on 11.11.2022 with liberty to the petitioners therein to avail the alternate remedy of filing appeal under section 9 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963. This Court also held that the petitioners therein would also have the liberty of filing Election Petition challenging the result of election, if available under the law. The petitioners therein had also challenged the order passed by respondent No. 4 – District Co-operative Election Officer (APMC) and District Deputy Registrar, Co-operative Societies, Beed for the same APMC and the contentions raised therein were also similar as raised in the present writ petition i.e. the petitioners had valid licence as on 28.10.2022 and they were subsequently cancelled after the publication of provisional voters list and on the basis of cancellation of their licences, their names from final voters list were deleted.

3. This Court after considering the case of the petitioners therein refused to exercise the writ jurisdiction of this Court and dismissed the writ petition with liberty to approach alternate forum. The relevant portion is at para No. 15 of the aforesaid judgment, which is reproduced below :-

“15. The present petition is accordingly dismissed. The petitioners shall, however, have an alternate remedy of filing Appeal under Section 9 of the Act of 1963 to challenge the orders dated 28.10.2022. They would also have the liberty of filing Election Petition challenging the result of election, if available under the

law.”

4. In view of the above, the present writ petition is also dismissed with the aforesaid liberty granted in Writ Petition No. 11192/2022.

[ARUN R. PEDNEKER J.]

SSC/