

Sonali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4753 OF 2022**

Hiraji Rau Patil & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Chetan G. Patil, i/b Mandar G. Bagkar, for the Petitioners.

Mr. A. I. Patel, Addl. G.P., a/w Mr. S.S. Panchpor, AGP, for the
Respondent-State.

Mr. Deelip Patil-Bankar-Chief Standing Counsel SCEA a/w Mr.
Abhishek Patil, for the Respondent No.2.

**CORAM Revati Mohite Dere &
 Madhav J. Jamdar, JJ.**

DATED: 21st April 2022

PC:-

1. Heard learned counsel for the parties.

2. By this petition, the petitioners seek the following substantive
reliefs:-

“(a) That this Hon’ble Court may be pleased to issue a writ of mandamus or any other appropriate writ order or direction in the nature of writ thereby directing Respondent Nos. 2 and 4 herein to forthwith enter the names of the Petitioners in the Final Voters List and permit them to participate in the ensuing election to the Managing Committee of the Respondent No.4 Society.

(b) That pending the hearing and final disposal of this Writ Petition this Hon’ble Court may be pleased to restrain Respondent No.2 herein from taking any further steps

concerning the election of the Managing Committee of the Respondent No.4 herein.”

3. The grievance of the learned counsel for the petitioners is with respect to the exclusion of their names from the voters list. It is not in dispute, that the election programme has been declared on 24th March 2022 and the elections are due on 30th April 2022.

4. Having regard to the judgment of this Court in ***Dattatray Genaba Lole & Ors. vs. Divisional Joint Registrar, Cooperative Societies & Ors***¹, we are not inclined to interfere in our extraordinary jurisdiction, under Article 226 of the Constitution of India and as such dismiss the petition.

5. However, we make it clear that all contentions of the parties on merits are kept open, in appropriate proceedings i.e. in the election petition.

6. Accordingly, the petition is dismissed, and stands disposed of.

(Madhav J. Jamdar, J.)

(Revati Mohite Dere, J.)

¹ 2021 SCC OnLine Bom 4579; (2022) 1 Bom CR 471