

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

910 WRIT PETITION NO.15 OF 2023

**SHRI GANGADHAR HANUMANTE AANDE & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

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Advocate for the petitioners : Mr.A.A.Mukhedkar
AGP for the respondent-State : Mr.K.B.Jadhavar
Advocate for the respondent no.2 : Mr.S.K.Kadam
Advocate for the respondent no.4 : Mr.S.A.Nagarsoge

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CORAM : ARUN R. PEDNEKER, J.
DATE : 10.01.2023

P.C. :

1] By the present Writ Petition, the petitioners are challenging the non inclusion of their names in the final voters list for the election of respondent no. 4 – The Godavari Hathmag and Vastranirman Sahakari Sanstha Maryadit.

2] Heard the learned counsel for the petitioners. The learned counsel for the petitioners submits that on 06.12.2022, the respondent no.2 published a provisional list of voters for the elections of the year 2022-2023 to 2026-27

in which the names of the petitioners were not included. By letter dated 06.12.2022, the respondent no.2 invited objections to the said list of provisional voters. The learned counsel further submits that the petitioners filed written objections with the respondent no.2 on 15.02.2022 seeking inclusion of their names in the final voters list. By the order dated 21.12.2022, the Returning Officer rejected their objections on the ground that they are the defaulters of the respondent no. 4 – society, and as such, their names cannot be included in the final voters list. By way of present Writ Petition, the petitioners have challenged the said order.

3] The petitioners contend that they are not the defaulters of the respondent no. 4 - society. This fact is disputed by the society.

4] The respondent no. 4 - society contends that the petitioners have taken loan from the society for the purpose of construction and for purchase of machinery and they had undertaken to repay the same. Thereafter, the demand notices were issued against the petitioners. However, they

failed to repay the loan amount. The petitioners are the defaulters of the respondent no. 4 - society and as such their names are not included in the final voters list.

5] There are disputed facts involved in the present matter as to whether the petitioners are the defaulters of the respondent no. 4 - society. The impugned order is passed by the Election Officer and the Election Officer has limited powers in examining the disputed question of default and will merely inspect the record of the society. Therefore, the petitioners may seek alternate remedy before the appropriate authority. The record produced by the society indicates that the petitioners were the defaulters and therefore the names of the petitioner nos. 1 to 16 are not included in the final voters list and their applications were rejected.

6] With regards to the petitioner no.17 is concerned, he is a nominal member of the respondent no.4 society and the petitioner no. 17 also disputes this position. This aspect again will have to be adjudicated before the

authority constituted under the provisions of the Maharashtra Co-operative Societies Act.

7] In view of the above, the petitioners are permitted to approach the alternate forum, as the case may be, available in law.

8] The Writ Petition is disposed of with above liberty.

[ARUN R. PEDNEKER]
JUDGE

DDC