

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO.2623 OF 2023

SOPAN ULHAS JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

...
Advocate for Petitioner : Mr. Hon Ashwin Vinayak
AGP for Respondents-State : Mr. S. P. Tiwari
Advocate for Respondent No.2 : Mr. V. H. Dighe
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 03rd March, 2023

PER COURT :

1. Heard the learned Advocate for the petitioner. The petitioner has raised objection for inclusion of 110 members in the provisional voters list as they are not having 10 R agricultural lands in the area of operation of the respondent No.4 Society as well as they are not having residence in the area of operation of the Society.
2. The objection raised by the petitioner has been turned out by the election officer holding that the inquiry as regards the residence of the members or whether the members are holding 10 R of land is to be decided by the authority constituted under the Cooperative Societies Act and that he has proceeded on the 'I' and 'J' register which is the conclusive proof of membership. The election officer as also relied

upon the reply of the society that the members on which objections are raised are members for long period of time and are holding 10 R land.

3. The learned Advocate for the petitioner submits that proceeding under Section 11 of the Cooperative Societies Act for deletion of membership is also pending before the authority constituted under the Cooperative Societies Act and the claim is yet to be decided.

4. In view of the disputed questions of the fact and the stand taken by the society, this petition is not entertained and the same is dismissed with liberty to the petitioner to seek other remedy that can be available to him in law.

(ARUN R. PEDNEKER, J.)

vj gawade/-.