

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.999 OF 2015

Panditrao s/o Munjajirao Chokhat,
age: 55 years, Occ: Agril. & presently
working as Chairman, Agriculture
Produce Market Committee, Manwat,
Tq.Manwat, District Parbhani.

Petitioner

Versus

1 The State of Maharashtra,
through its Secretary,
Co-operation, Mantralaya,
Mumbai-32.

2 The District Deputy Registrar,
Co-operative Societies, Parbhani,
Tq. & District Parbhani.

3 The Assistant Registrar,
Co-operative Societies, Manwat,
Tq.Manwat, District Parbhani.

4 The Agriculture Produce Market
Committee, Manwat, Dist.Parbhani,
through its Secretary.

Respondents

Mr.R.J.Nirmal, advocate for the petitioner

Mr.S.S.Tope, Government Pleader for Respondents No.1 to 3.

Mr.A.R.Nikam, advocate for Respondent No.4.

CORAM : R.M.BORDE &

SUNIL P. DESHMUKH, JJ.

DATE : 12th February, 2015

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and
heard finally by consent of learned Counsel for respective parties.

2 Petitioner is taking exception to the order issued by the District Deputy Registrar, Parbhani directing supersession of the Market Committee and appointing Government board of administrators to administer functions of the Agricultural Produce Market Committee on 27.01.2015, taking recourse to provisions of Section 15A of the Maharashtra Agricultural Produce Marketing (Development and Regulation Act), 1963 (for short, hereinafter referred to as "Act of 1963"). Original tenure of five years of the Agricultural Produce Market Committee expired in January-2014.

3 For the reasons recorded while disposing of Writ Petition No.10043 of 2014 and companion matters by judgment dated 09th February, 2015, delivered by the Division Bench of this Court, instant petition also deserves to be allowed.

4 Writ Petition is allowed. The order impugned in the petition is quashed and set aside. The Managing Committee of the Market Committee shall be entitled to continue in the office until holding the elections and in conformity with Section 15(3) of the Maharashtra Agricultural Produce Marketing (Development and Regulations) Act, 1963.

05 The members and office bearers of Managing Committee of the concerned Market Committee shall not spend any amount except for payment of salaries of employees and for discharging statutory liabilities. The Managing Committees shall not take any policy decision during their continuation in office. In the event of any financial emergency, it would be open for the

Managing Committee of the Market Committee to incur expenses after securing prior permission in writing from the concerned District Deputy Registrar and the amount can be spent within the limits so permitted. The office bearers of Market Committees shall extend co-operation to the authorities in holding elections for electing the Managing Committee, as proposed by the State Government.

06 Rule is made absolute in above terms. There shall be no order as to costs.

SUNIL P. DESHMUKH
JUDGE

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R.M.BORDE
JUDGE