

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

**CIVIL APPLICATION NO. 6774 OF 2015
IN
WRIT PETITION NO. 10563 OF 2014**

Prakash s/o Bhagwanrao Kalyankar

.. APPLICANT

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. M.S. Deshmukh, advocate for applicant.
Mrs. A.V. Gondhalekar, AGP for the State.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.**

DATE : 27th AUGUST, 2015

PER COURT :

1. Applicant is seeking clarification in respect of contents of paragraph no. 28 of the judgment delivered by this Court in Writ Petition No. 10563/2014 and, further seeking permission on behalf of the Agricultural Produce Market Committee to conduct auction of the shops in accordance with the authorisation granted by the Maharashtra State Agricultural Marketing Board, Pune.

2. Perused the communication dated 09.11.2012 issued by the Marketing Board. The present marketing committee of individuals, holding charge of the affairs of the Agricultural Produce Market Committee, Bhokar, has already completed its tenure and, by virtue of the order passed by this Court in Writ Petition No. 10563/2014, the said body is continued subject to certain terms and conditions. This Court has directed the committee not to

take any policy decision during its tenure. Learned counsel for applicant points out that the committee has already completed construction of shops and, if the committee is not permitted to conduct auction, there would be huge economic loss to the market committee. The Marketing Board has already permitted the market committee to conduct auction subject to certain terms and conditions incorporated in the communication dated 09.11.2012.

3. In the facts and circumstances of the case, instead of permitting the present committee, which is incharge of the affairs of the Agricultural Produce Market Committee, Bhokar, it would be appropriate to authorise the District Deputy Registrar, who is official of the State Government, to conduct the auction of the shops constructed by Agricultural Produce Market Committee, in adherence to the terms and conditions specified by the Maharashtra State Agricultural Marketing Board in its communication dated 09.11.2012. The term at serial number 5(f) in the said communication shall not be attracted since the auction is being conducted by the District Deputy Registrar. Necessary steps shall be taken by the District Deputy Registrar, as early as possible, preferably within a period of four weeks from today.

4. With the directions as above, civil application stands disposed of.

(P. R. BORA)

JUDGE

dyb

(R. M. BORDE)

JUDGE