

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

WRIT PETITION NO.8183 OF 2015

1] Dattatraya S/o Shamrao Jeve
Age 47 yrs, Occu-Agriculture
R/o Khadkat, Tq. Ashti
Dist.Beed

2] Mohammad Ali Abdul Raheman Pathan
Age 55 years, Occ-Agriculture
R/o Khadkat, Tq. Ashti
Dist.Beed.

.. PETITIONERS

Versus

1] The State of Maharashtra
Through its Principal Secretary
Co-operation, Textile and Marketing
Department, Mantralaya
Mumbai-32

2] The Director of Marketing
Maharashtra State, Pune

3] The District Deputy Registrar
Co-operative Societies, Beed
Dist.Beed.

4] The Assistant Registrar,
Co-operative Societies, Ashti
tq. Ashti, Dist.Beed.

[Copies to be served on Govt.Pleader
at High Court of Bombay, Bench at
Aurangabad]

5] The Agricultural Produce Market
Committee, Kada, Tq. Ashti
Dist.Beed

.. RESPONDENTS

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Shri S.B.Talekar, Adv. for petitioners
Shri A.S.Shinde, AGP for respondent nos.1 to 4.
Shri M.S.Kokate, Adv. for respondent no.5

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**CORAM : A.B.CHAUDHARI
AND
INDIRA K. JAIN, JJ.**

DATED : 14TH SEPTEMBER, 2015

ORAL JUDGMENT [PER A.B.CHAUDHARI, J.] :-

Rule. Rule made returnable forthwith. With consent of rival parties, Petition is heard finally.

2] Admittedly, the term of the Agricultural Produce Market Committee [hereinafter referred to as APMC for short], Kada expired on 9/5/2013.

3] The government then issued notification dated 11/10/2013 in exercise of powers u/s 14(3-A) of the Maharashtra Agricultural Produce Marketing (Development & Regulation) Act, 1963 (hereinafter referred to as the said Act for short] and extended the term by six months. Thereafter, another notification was issued on 10/4/2014 and again extended the term for another six months. Thereafter, on 23/7/2015, one more order has been issued in exercise of powers u/s 14(3-A) of the said Act, again extending the term of the APMC Ashti by six months.

4] The learned counsel for the State submits that due to drought conditions in the Marathwada region, the last order dated 23/7/2015

issued by Government is justified. He therefore, submitted that no interference should be made in the matter.

5] We have heard learned counsel for the rival parties.

6] We have perused Section 14(3-A) of the said Act, which reads as under :

“Section 14(3-A) – Where due to scarcity, drought, flood, fire or any other natural calamity or rainy season or any election programme of the State legislature or the Parliament or a local authority, coinciding with the election programme of any Market Committee or such other special reason, in the opinion of the State Government, it is not in the public interest to hold elections to any Market Committee, the State Government may, notwithstanding anything contained in this Act or in any rules, or bye-law made thereunder, or any other law for the time being in force, for the reasons to be recorded in writing, by general or special order, postpone the election of any Market Committee for a period not exceeding six months at a time which period may further be extended, so, however, that the total period shall not exceed one year in the aggregate.”

7] Section 14(3-A) of the said Act thus undoubtedly provides for extension of time for six months at a time in case of drought conditions which exists in Marathwada region. But it provides for extension such total period of upto only one year in the aggregate.

To say in other words, even in case of scarcity, drought, fire or other natural calamities as stated in Section 14(3-A) of the said Act, the outer limit for extending the term of such a committee cannot exceed one year in the aggregate. One year in the aggregate in the instant case was completed on 13th May, 2014. In our opinion, therefore, this provision does not permit any extension beyond one year in the aggregate and therefore, the impugned order is contrary to the said provision of Section 14(3-A) of the said Act. That is the 'Will' of the Legislature.

8] It is also clear that the election expenses were already deposited by the APMC Kada.

9] In the result, the Petition must succeed. We therefore, pass following order :

ORDER

Rule is made absolute in terms of prayer clause "B" and "D". The respondents are directed to hold election of respondent no.5 The Agricultural Produce Market Committee, Kada, Tq. Ashti, Dist. Beed, by taking steps in accordance with law at the earliest.

[INDIRA K.JAIN,J.]

[A.B.CHAUDHARI,J.]

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