

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

924 CIVIL APPLICATION NO. 11485 OF 2015
IN WP/7038/2015

GANPAT VITTHAL BHAGAT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. Phatale Sagar S.
AGP for Respondents: Mr. S.G. Karlekar
Advocate for Respondent No.4 : Mr.D.B. Shinde

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Date: September 10, 2015

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PER COURT :-

1 This is an application for recalling of the order passed by this Court on 30.7.2015 directing postponement of the elections of the Agricultural Produce Market committees in view of Govt. order dated 23.7.2015.

2 The applicant points out fairly that, while issuing this order at the instance of the petitioner, the earlier directions issued by this Court on 9.2.2015 in Writ Petition No.10043 of 2014 were not pointed out. In the aforesaid writ petition, which was filed taking exception to the order of appointment of administrator, expectation was expressed referring to the order passed in Writ Petition No.11202 of 2014 and other companion matters that, the process of election would be completed within six months in case of such of those market committees where elections to the primary cooperative Societies operating in the area of operation of

agricultural produce market committee are required to be held and in other cases, within a period of three months. It was also observed in the said Judgment that, the elections to the market committees are round the corner and in order to safeguard free and fair elections and to ensure that, affairs of the market committees are not conducted in the manner detrimental to such committees, certain restrictions are required to be imposed and those were directed to be imposed.

3 The order passed on 30.7.2015 in Writ Petition No.7038 of 2014 is in conflict with the directions issued by this Court in Writ Petition No.10563 of 2014. Since there were already directions issued by this Court in respect of holding of the general elections, the Order issued by the State Government on 23.7.2015 shall not have applicability.

4 For the reasons recorded above, the order passed this Court on 30.7.2015 in Writ Petition No. 7038 of 2015 deserves to be recalled and same is accordingly recalled.

5 Civil Application is disposed of.

(P.R. BORA, J)

(R.M.BORDE, J)