

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.10301 OF 2015

Dhananjay s/o Madhavrao Patil

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.V.D.Sapkal, advocate for the petitioner
Mr.P.S.Patil, A.G.P. for Respondents No.1 to 4.

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

DATE : 13th October, 2015

PER COURT:

1 Petitioner is praying for issuance of directions to the Respondents to postpone first meeting of Respondent No.5-Agricultural Produce Market Committee (APMC), Shirur Anantpal, Tq. Shirur Anantpal, District Latur, scheduled to be held on 14.10.2015 at 11.30 a.m., for holding elections to the posts of Chairman and Vice Chairman.

2 It is contended that in view of pendency of dispute in the shape of Writ Petition No.7952 of 2015, presented before the learned Single Judge of this Court, election results of four seats from Village Panchayat constituency have been withheld and as such, it would be appropriate to direct the Respondents to postpone the elections for electing Chairman and Vice Chairman, during pendency of the aforesaid writ petition.

3 It would be appropriate to refer to the provisions of Section 14(4)(d) of the Maharashtra Agricultural Produce Marketing

(Development and Regulation) Act, 1963, which prescribes that, after every general election, upon the publication of the names of all the members of the Committee under clause (a), or as the case may be, publication of such names as would render the Committee to consist of not less than twelve members as aforesaid; in a newspaper under this sub-section the Market Committee shall be deemed to be duly constituted.

4 It is not a matter of dispute that the Committee of not less than twelve members is constituted after publication of names as prescribed under sub-section (4) (d) of Section 14. Section 22(1) of the Act of 1963 mandates the Collector to hold a meeting for electing Chairman and Vice Chairman of the Market Committee within thirty days from the publication of result of general elections under clause (a), or as the case may be, under clause (b) of sub-section (4) of Section 14. In view of the time frame prescribed under sub-section (1) of Section 22, it is the obligation on the Collector to hold the meeting for electing Chairman and Vice Chairman.

5 In view of the reasons recorded above, request made by the petitioner for directing postponement of elections of Chairman and Vice Chairman, APMC, Shirur Anantpal, District Latur, does not deserve consideration.

6 Writ Petition stands dismissed.

P.R.BORA
JUDGE

R.M.BORDE
JUDGE