

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
W.P. NO. 1962 OF 2015

(M/s Sudarshan & Co. & anr. Vs. The State of Maharashtra & ors.)

Office Notes, Office
Memoranda of appearances,
Court's orders or directions &
Registrar's orders.

Court's or Judge's orders

Mr. Rahat Totala i/b Mr. Sankalp Anantwar Advocate for the petitioners.

Mr. Vikas Mali, A.G.P. for respondent no. 1.

Mr. T.N. Sonawane Advocate for respondent no. 2.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : 16th June 2015.

P.C. :

Rule. Rule returnable forthwith.

2. Petitioners challenge the order passed by the Tribunal under Section 57 of the Maharashtra Agricultural Produce Marketing Committee (Development & Regulation) Act, 1963 (for short the Act). It is alleged that the petitioners owed at the relevant time an amount of Rs.15,86,981/-. The APMC resorted appropriate proceedings for recovery of the amount due. Consequent thereto, the impugned order was passed.

3. Counsel for the petitioners submits that in accordance with Section 57 of the Act the only mode for recovery of sum due to Market Committee is by way of an arrears of land revenue. The directions issued by the

Tribunal to recover this amount due from any trader are contrary to the provisions of land.

4. It is submitted that the petitioners in spite of orders and statement made before this Court on last occasion, failed to deposit the amount. The amount is due to the APMC. Since last several years the APMC is deprived of the amount. Therefore, no interference is warranted in writ jurisdiction.

5. We have perused the record and the provisions of Section 57 of the Act which mentions that for every sum due, same shall be recoverable as an arrears of land revenue. There is substance in the submission of learned counsel for the petitioners that the recovery by adopting any other method is not prescribed under Section 57 of the Act. To that extent, the impugned order needs to be modified.

6. We, therefore, clarify and modify the order that APMC is entitled to resort to other procedure as mentioned in Section 57 of the Act for recovery of the sum due to the Market Committee. The impugned order is modified accordingly.

Rule is made partly absolute. No costs.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)

/Tanvir Ahmed/

P.S.