

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5691 OF 2015

Sukhdev Tulsiram Gaikwad and another. ... Petitioners.
V/s.
Agriculture Produce Market Committee,
Ulhasnagar and others. ... Respondents.

PN.Joshi with A.P.Kulkarni and Manoj Badgujar for the petitioners.

Kirit Hakani with Rahul Hakani for respondent No.1.

Vikas Mali, AGP for respondent Nos.2 to 4.the State.

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

DATED : 30th June 2015.

P.C.

Heard.

2. The grievance of the petitioners is that notification of elections of Ulhasnagar Agriculture Produce Market Committee (A.P.M.C.) was issued on 27th May 2015. Under the APMC Act 21 members constitute A.P.M.C. out of which 4 members are from Gram Panchayat constituency. There are around 28 Gram Panchayats in Ulhasnagar A.P.M.C. jurisdiction. Admittedly, elections of 17 Gram Panchayats have been held. The original term of these Gram Panchayats is to expire in September 2015. The petitioners prayer is that elections to the Gram Panchayat constituency be deferred till the election of remaining Gram

Panchayats are held. The representatives elected from the Gram Panchayat constituency to the A.P.M.C. will have to vacate their seats, if the newly elected members assume seats in 21 Gram Panchayats. In that scenario, the A.P.M.C. authority will have to take fresh elections for 4 Gram Panchayat representatives, which would put unnecessary burden and expenditure on A.P.M.C. which could be avoided.

3. Learned A.G.P, on instructions, submits that the State is not inclined to interfere in election process. Learned counsel appearing for respondent No.1- A.P.M.C. submits that as the election process is set in motion no interference is called for. It is submitted that even if the outgoing members of the Gram Panchayats are elected as members of A.P.M.C., they may serve their term as permissible in law.

4. A peculiar situation has arisen, but the fact remains that election process is set in motion and the programme is declared. It is informed that around 16 persons have filed nominations from Gram Panchayat constituency. If any interim order is passed, it may adversely affect the interest of those persons who have filed nominations.

5. In view of the fact that election process is set in motion, we are not inclined to show indulgence in our extra ordinary writ jurisdiction. Keeping all issues on merits open, the petition is disposed of.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)