

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3933 OF 2014
WITH
CIVIL APPLICATION NO. 1572 OF 2014

Shri Santosh Ananda Yadav.	...	Petitioner.
V/s.		
State of Maharashtra and others.	...	Respondents.

A.P.Kulkarni for the petitioner.

PPKakade, AGP for respondent Nos.1 and 2.

N.N.Bhadrashete for respondent Nos.3, 4 and 6.

U.B.Nighot for the intervener in CAW No.1572/2014.

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

DATED : 29th June 2015.

P.C.

The petitioner, who is a trader, seeks direction to the respondent- Mumbai Agricultural Produce Market Committee (A.P.M.C.) to demolish the sheds constructed by it for accommodating traders dealing in storage of vegetables and fruits. It is submitted that due to changes brought into legislation and in view of the order dated 26th April 1996 passed by the Division Bench of this Court in W.P.No.943/1996 (Fruit &

Vegetable Merchants” Seva Mandal v. State of Maharashtra), the A.P.M.C. had issued tenders for construction of huge shades for the purpose of storage of fruits and vegetables. These sheds were constructed on plot Nos.3 and 7 of Vashi, Navi Mumbai.

2. The grievance of the petitioner is that till this day the A.P.M.C. failed to secure permission from the municipal authorities to construct sheds. According to the petitioner, these sheds are illegally constructed and, therefore, need to be demolished.

3. Learned counsel appearing for A.P.M.C. has taken us through various orders and communications made in respect of subject matter. Learned counsel submits that in view of directions issued by the Division Bench based on the report submitted by Justice S.M.Daud (Retd.), the A.P.M.C. made necessary urgent arrangements for accommodation of large number of traders for distribution, sale and wholesale business in fruits and vegetables. Accordingly, tenders were issued and sheds were constructed. Thereafter A.P.M.C. has continuously made several correspondence with the Corporation for regularization of said sheds. The proposal is still pending with the Corporation.

4. Learned counsel appearing for the intervener in CAW No.1572/14 submits that A.P.M.C. had made necessary arrangements in view of the directions issued by the Division Bench and the subsequent change brought in the legislation. It is submitted that in case prayers made by the petitioner are allowed, then minimum 500 people would

suffer loss and damage. They would be deprived of their livelihood.

5. We have perused record placed before us. Para-12 of the order passed by Division Bench of this Court reads as under:

“12. All traders doing wholesale business in fruits/vegetables who are not allotted and given possession of independent galas in the fruit/vegetable market shall be allotted by Respondent No.4 common space at Principal Market Yard, Turbhe, New Bombay. The Commissioner Mr.Justice S.M.Daud, is requested to visit as expeditiously as possible the Crawford, Byculla, Dadar and Turbhe markets and ascertain whether the space offered by Respondent No.4 at Principal Market Yard, Turbhe, New Bombay as common space is reasonable. He is requested to make an interim report in this regard as expeditiously as possible. If the report of the Commissioner is to the effect that the common space offered by Respondent No.4 at Turbhe, New Bombay is reasonable, then within three days of Commissioner holding open space as reasonable no trader doing wholesale business of fruit/vegetable shall carry on the wholesale business of fruits/vegetable in Bombay but may do so only at the Principal Market Yard, Turbhe, New Bombay. There shall then be an injunction restraining all wholesale traders from carrying on of wholesale business in fruits/vegetable at any place in Bombay except Principal Market Yard, Turbhe, New Bombay.”

6. During the course of arguments, it is submitted by learned counsel appearing for the intervener that the petitioner himself had applied for a Gala in the subject sheds. This statement has been disputed by learned counsel for the petitioner.

7. In the facts of the case and on perusal of record placed before us, we are not inclined to issue directions to the respondent-A.P.M.C. as prayed for by the petitioner. However, we direct respondent No.5- Corporation to decide pending proposal/application filed by A.P.M.C., if any, at the earliest. If any compliance is to be sought for, the Corporation may intimate the same to A.P.M.C.

8. With this observation, petition is disposed of. In view of disposal of petition civil application is also disposed of.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)