

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11334 OF 2013

The Fruit Merchant Welfare Association. ... Petitioner.  
V/s.  
The State of Maharashtra and others. ... Respondents.

A.P.Kulkarni for the petitioner.

N.N.Bhadrashete for respondent No.4.

Vikas Mali, AGP for respondent Nos.1 to 3.

**CORAM : NARESH H. PATIL AND  
VL. ACHLIYA, JJ.**

**DATED : 21<sup>st</sup> April 2015.**

**P.C.**

This petition was admitted by order dated 11<sup>th</sup> March 2014.

The said order reads as under:

“ Rule. The learned AGP waives service for Respondent Nos.1 to 3 and the learned counsel appearing for the fourth Respondent waives service. Rule on interim is made returnable on 9<sup>th</sup> June, 2014. By way of ad-interim relief, we restrain the fourth Respondent from taking any major policy decisions in relation to the property and funds of the said Respondent without prior permission of the Court.”

The petition was heard on number of occasions. The term of the elected directors of respondent No.4- Mumbai Agricultural Produce Market

Committee ("Mumbai APMC" for short) expired on 2<sup>nd</sup> December 2013. The term of the elected body was extended for further period of one year, which expired on 2<sup>nd</sup> December 2014. It is submitted that the Administrative Board was appointed in exercise of powers under section 14(3) of the Maharashtra Agricultural Produce (Marketing and Regulation) Act of 1963 ("said Act" for short). By further order dated 2<sup>nd</sup> December 2014, the Director of Marketing, Maharashtra State under section 15-A of the said Act appointed three members Administrative Board headed by Shri Manoj Sainik as Chairman for a period of six months. By further order dated 11<sup>th</sup> February 2015, the Director of Marketing appointed Shri Manoj Sainik as one member Administrator on respondent No.3 for a period of six month. Under the orders, the Administrator was to oversee the completion of election process to elect Board of Directors of Mumbai APMC within six months.

2. At this stage, the petition is moved by the petitioner seeking leave to withdraw the petition. Written communication/resolution of the petitioner's association is placed on record by the counsel appearing for the petitioner. The resolution reads that since an I.A.S. Officer is appointed as Administrator, the association does not want to go on with the writ petition and the petition can be withdrawn. The said communication is taken on record.

3. We have perused the orders passed by this Court and the amended pleadings. It seems that respondent- APMC manages large immovable property and substantial amount is deposited in the bank account. The petitioner has made serious allegations against the conduct of the earlier committee and considering all these circumstances, the

Court had passed interim orders including direction to the Administrative Board not to take any major policy decisions in relation to the property and funds of the Mumbai APMC without prior permission of the Court.

4. By an order dated 5<sup>th</sup> December 2014, this Court had granted liberty to the parties for modification of the interim relief after election is held and if new body takes charge.

5. In view of above, as the petitioner desires to withdraw this writ petition, we grant leave to the petitioner to withdraw the petition, subject to following conditions:

- (a) that the interim orders passed by this court during the hearing of this petition shall continue;
- (b) that the Administrator or the Administrative Board, if any, shall not take any major policy decision in relation to the property and funds of Mumbai APMC without prior permission of this Court;
- (c) that the interim relief granted by this Court shall continue till the elected body takes charge of the administration of Mumbai APMC.

6. We direct the State to hold elections in accordance with the amended provisions of the said Act. Writ petition is disposed of accordingly.

**(VL. ACHLIYA, J.)**

**(NARESH H. PATIL, J.)**