

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 3162 of 2009

District : Jalgaon

1. Chopada Agricultural Produce
Market Committee, Chopada,
Taluka : Chopada,
District : Jalgaon,
Through its President,
Vithal s/o. Bhika Patil,
Age : 58 years,
Occupation : Agriculture,
R/o. village Mauje Hingone,
Taluka : Chopada,
District : Jalgaon.
2. Madhukar s/o. Dhondu Patil,
Age : 45 years,
Occupation : Agriculture & Advocate,
R/o. village Rukhankheda,
Taluka : Chopada,
District : Jalgaon.

.. Petitioners.

versus

1. The State of Maharashtra,
Through its Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai - 32.
2. Chopada Municipal Council,
Chopada,
Taluka : Chopada,
District : Jalgaon,
Through its Chief Officer.

.. Respondents.

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*Mr. R.N. Dhorde, Senior Advocate, holding for
Mr. R.L. Kute, Advocate, for the petitioners.*

*Mr. A.M. Phule, Asst. Government Pleader, for
respondent no.1.*

*Mr. R.B. Temak, Advocate, holding for
Mr. P.R. Patil, Advocate, for respondent no.2.*

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 11TH FEBRUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.) :*

1. We have heard Mr. Dhorde, the learned Senior Counsel for the petitioners. He submits that the petitioner is not liable to pay property taxes to the Municipal Council as the petitioner also would come within the definition of '*local authority*'.

2. The learned Counsel for respondent no.2 - Municipal Council states that the Agricultural Produce Market Committee is not a '*local authority*' and relies on the judgment of the Hon'ble Apex Court in the case of *State of M.P. and another Vs. Krishi Upaj Mandi Samiti*, reported in *(1998) 8 SCC 430*.

3. The issue that the Agricultural Produce Market Committee is not a '*local authority*' is now no longer res integra in view of the judgment of the Hon'ble Apex Court in the case of *Agricultural Produce Market*

Committee, Narela, Delhi Vs. Commissioner of Income Tax & another, reported in (2008) 9 SCC 434, so also judgment in the case of ***State of M.P. and another Vs. Krishi Upaj Mandi Samiti***, referred supra.

4. In the light of the above, the relief claimed by the petitioner cannot be granted.

5. At this stage, Mr. Dhorde, the learned Senior Counsel for the petitioners, submits that the petitioners would make a representation to the State Government for exemption from payment of property taxes.

6. In case, such a representation is made, the State would consider the same on its own merits as may be permissible in law.

7. The Writ Petition is accordingly disposed of. Rule is discharged. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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