

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 2812 OF 2015**

Ramesh S/o Pralhadrao Chokhat

Age: 34 yrs, Occ: Service,

R/o. Jawala Bazar,

Tq. Aundha, Dist. Hingoli

... Petitioner

Vs.

1. The Director of Marketing, Pune
Central Building, Pune.

2. The Divisional Joint Registrar,
Aurangabad Division, Aurangabad.

3. The District Deputy Registrar,
Co-operative Society, Hingoli.

4. The Assistant Registrar (Co-operative)
Aunda-nagnath, Dist. Hingoli.

5. Shri. Uttam Gangadhar Chauhan
Age: 52 years, Occu: Agril.
R/o. Tuljapurwadi,
Post. Ranjebuvache-Adgaon,
Tq. Vasmath, Dist. Hingoli.

6. The Agriculture Produce Market
Committee, Jawala bazar,
Tq. Aundha, Dist. Hingoli,
Through its Administrator

... Respondents

Mr. A.R. Vyawahare, Advocate for the petitioner.

Mr. A.P. Basarkar, Advocate for the respondent.

Mr. M.P. Kale, Advocate for respondent no.5.

CORAM : SUNIL P. DESHMUKH, J.

DATE : 06-06-2016.

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of the parties.
2. The petition has been purportedly aggrieved by the order dated 23-02-2015, upon an application dated 23-02-2015 filed by the present petitioner annexed to the petition at page no. 25, before this court.
3. After hearing the learned counsel for the parties position emerges that certain proceedings have been moved against present petitioner in respect of actions taken by him during their regime and as such he has been arrayed as party to said proceedings. An objection has been taken by the present petitioner about authority of respondent no.1, contending that having regard to section 43, and having regard to circular dated 18-09-1981 with reference to notification dated 05-09-1981, the powers have been delegated to Divisional Joint Registrar and as such the Director of Marketing before whom the proceedings have been lodged by respondent no.5 would not have power and / or jurisdiction to go ahead and the same would not be maintainable. Respondent no.4 has overruled the objections. As such petitioner is before this court against impugned order dated 23/02/2015 passed by Director of Marketing, Pune.

4. Having regard to the provisions of Section 43 it appears that respondent no.1 has passed the order rejecting the objection been taken. It would be worthwhile to refer to section 43 of Agriculture Produce Market Committee Act, which reads as under.

Section 43: Powers of State Government or Director to call for proceedings of Market Committee, etc. and to pass orders thereon.

The State Government may at any time call for and examine the proceedings of any Market Committee or of the Director; and the Director may at any time call for and examine the proceedings of any Market Committee or an officer empowered to exercise the powers of the Market Committee or of the Director for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of any decision or order passed by the Market Committee, Director or the officer; as the case may be, under this Act. If in any case, it appears to the State Government or the Director that any decision or order or proceeding so called for should be modified, annulled or reversed, the State Government or the Director may pass such order thereon as it or he may think it.]

5. Taking into account text of the provision, it does not appear that the impugned order in the present writ petition suffers any infirmity.

6. The writ petition as such is devoid of any substance and the same is dismissed. Rule stands discharged. No order as to costs.

**(SUNIL P. DESHMUKH)
JUDGE**