

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4316 OF 2015

SACHIN ARJUN MULUK
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Sudarshan J. Salunke.
AGP for Respondent Nos.1 to 5 : Mr. A. M. Phule.
Advocate for Respondent No.6 : Mr. B. R. Sable.
Advocate for Respondent No.7 : Mr. A. B. Kale.

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

DATE : 15th FEBRUARY, 2016.

PER COURT:

1] Mr. Salunke, learned counsel submits that the respondent No.7 who is the Chairman of respondent No.6 had committed offences with regard to immovable property. Illegally, properties which were not salable were sold, forgery and cheating was also done in respect of properties. However, no action is being taken by the respondent No.6 or the authorities in that regard.

2] Mr. Salunke further submits that even in the Auditors Report, large scale misappropriation and illegalities on the part of the respondent No.7 were reflected, however, still no action is taken. Only after filing the present petition, a farce of issuing show cause notice to him has been made. Same is not sufficient. Even criminal case has to be lodged against the respondent No.7.

3] Mr. Kale, learned counsel for respondent No.7 submits that allegations made are incorrect and improper.

4] Learned AGP submits that an affidavit is filed by the District Deputy Registrar wherein it is stated that an enquiry has been conducted and upon enquiry it has been found that the respondent No.7 is liable to the extent of Rs. 87,20,000/- [Rupees Eighty Seven Lacks Twenty Thousands Only] and notice under Section 57 of the Maharashtra Agricultural Produce Marketing (Development and Regulations) Act 1963, is issued and respondent No.7 was given time to file reply. Further action in accordance with law would be taken.

5] We have considered the submissions. The affidavit filed by District Deputy Registrar states that, the enquiry has been conducted against respondent No.7 and prima facie, in the enquiry it is found that the respondent No.7 is guilty of some acts of omission and commission. Even notice under Section 57 of the Maharashtra Agricultural Produce Marketing (Development and Regulations) Act 1963 has been issued for which procedure is required to be adhered to, as laid down in the said provision itself.

The respondent State shall prosecute the remedies, as are available to it under the statute in furtherance of the enquiry conducted under Section 57 of the APMC Regulations. Same shall be done in adherence to the provisions of law and wherever hearing is required the same shall be given. If necessary, action as already initiated by the State, same be taken to its logical conclusion, expeditiously, in accordance with law. Writ petition is disposed of with these observations.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-