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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.9146/2016

Harlal Laxman Chavan.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri Milind M. Patil (Beedkar), Advocate for petitioner.
Smt.Vaishali Patil, AGP for respondent nos.1 to 3.
Shri V.J. Dixit, Senior Advocate i/b Shri S.V. Mundhe,
Advocate for respondent no.4.

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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 01.12.2016

ORDER :

1] Mr.Milind Patil, learned counsel for the petitioner submits that the petitioner was an elected member of Agricultural Produce Market Committee, Jintur, for a tenure of five years i.e. from 2008-09 to 2013-14. The learned counsel submits that the Jintur APMC was bifurcated into two i.e. Jintur and Bori APMC under the order dated 1.12.2015. According to the learned counsel,

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prior to the said bifurcation, the extension was granted to the board of directors of Jintur APMC upto 20.2.2015. Thereafter, administrative Board is appointed on 21.2.2015. The learned counsel submits that though the tenure of the earlier committee has expired on 20.2.2015, however, no elections are being held of Jintur APMC and administrative Board cannot be allowed to function for an indefinite period. According to the learned counsel, the elections even as per Sub-section (3) of Section 14 of the Maharashtra Agricultural Produce Market (Development and Regulation) Act, 1963, have to be held after lapse of five years. As such, the respondents be directed to conduct the elections of Jintur APMC.

2] Mr.Dixit, learned Senior Advocate for the respondent no.4, submits that under order dated 1.12.2015, the APMC, Jintur, was bifurcated into APMC Bori and APMC Jintur as per Section 14 of the Act, 1963. New APMC came into existence as per the notification. The learned Senior Advocate submits that as per Sub-section (3) of Section 14 of the Act, 1963, the members of the committee constituted for the first time shall hold office for a period of two years. Pursuant to the said provision, the

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committee is constituted for a period of two years on 16.4.2016. After the lapse of the said two years, then only elections can be held. The learned Senior Advocate submits that as on the bifurcation, the State has powers to appoint the committee for two years and the said powers having been exercised, the same not having been assailed, the petition cannot be entertained.

3] We have heard the learned AGP also.

4] The fact that Jintur APMC came to be bifurcated under notification dated 1.12.2015 is not disputed. It is also a matter of record that on 16.4.2016, the committee is constituted for a period of two years. The same is constituted resorting to the powers u/s 14(3) of the Act, 1963 and the said committee has assumed the office also.

5] The constitution of the said committee for two years has not been assailed till date. The said committee is still officiating. The area of operation of the erstwhile APMC has also changed. Some of the members of original APMC also would now be within the purview of Bori APMC. The board of directors of the original APMC have become *non-est*.

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6] Considering the fact that the appointment of the committee on 16.4.2016 has not been assailed and these persons are officiating pursuant to the said appointment, the relief claimed in the petition cannot be considered.

7] In view of above, writ petition is disposed of. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)