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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 10062 OF 2016**

Mahadeo Baburao Jagtap and Ors. .. Petitioners

Versus

State of Maharashtra and Ors. .. Respondents

**WITH
CIVIL APPLICATION NO. 2405 OF 2016
IN
WRIT PETITION NO. 10062 OF 2016**

Shri Rajendra Sukhdeo Mirange ... Applicant

In the matter between :

Mahadeo Baburao Jagtap and Ors. .. Petitioners

Versus

State of Maharashtra and Ors. .. Respondents

**WITH
WRIT PETITION NO. 10132 OF 2016**

Shri. Ashok Vishwambhar Bodhale and Ors. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents

**WITH
CIVIL APPLICATION (ST) NO. 24332 OF 2016
IN
WRIT PETITION NO. 10132 OF 2016**

... Applicant

In the matter between :

Shri. Ashok Vishwambhar Bodhale and Ors. ... Petitioners
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. Vineet Naik and Mr. Abhijit Kulkarni and Sachin Hande i/by
D.D. & Abhijit for the petitioners in WP No. 10062 of 2016..

Mr.Y.S. Jahagirdar, Sr. Advocate a/w Mr. Sarang Aradhye and
Mr. Milind Prabhune for the petitioner in WP No. 10132 of
2016.

Mr. B.D. Joshi for the applicants in Civil Applications.

Mr., AA.A. Kumbhakoni, Sr. Advocate a/w Mr. Vikas Mali, AGP for the
respondent State.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.
DATED : SEPTEMBER 08, 2016.**

P.C.

Parties through their counsel.

2. Challenging the order dated 19.8.2016 passed by respondent no.4 , the petitioner has filed this petition under Article 226 of the Constitution of India. Though various grounds have been raised challenging the impugned order, but during the course of the hearing, we have noticed that before passing the impugned order, respondent no.4 has not complied with the first proviso of section 45 of the Maharashtra Agricultural Procedure Market Development and Regulation Act, 1963 (for short "the Act"). We find that the State Government has taken a decision without there being an

effective consultation with State Marketing Board as has been mandated by the Supreme Court in the case of **Kevalram Versus Maharashtra State Cooperative Societies and Ors. 1986 (2) Scale 89.**

3. Learned senior counsel appearing for the respondent state on instructions did not dispute the aforesaid fact. He has stated that in case this Court is setting aside the impugned order on this ground alone, liberty may be given to respondent no. 1 to restart the process from the stage of seeking consultation from the State Marketing Board.

4. Keeping in view the aforesaid submissions, we are of the view that the impugned order dated 19.8.2016 deserves to be and is hereby quashed. However, we grant liberty to respondent no. 1 State to restart the process from the stage of seeking consultation as required under first proviso of section 45 of the Act and to take appropriate decision in accordance with law. Needless to say that we have not commented upon the merits of the matter and all contentions raised by the parties are left open.

Both the writ petitions are disposed of.

In view of the same, both Civil Applications also stand disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)