

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.184/2016

Shri Hukumchand s/o Govindrao Amdhare and anr. ..vs.. State of Maharashtra through its
Secretary, Cooperative and Marketing Department, Mantralaya, Mumbai and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P. S. Tidke, Advocate for petitioners.

Shri N. R. Patil, Assistant Government Pleader for respondents.

CORAM : SMT. VASANTI A. NAIK AND
V. M. DESHPANDE, JJ.

DATE : MAY 2, 2016

By this writ petition, the petitioners seek a direction to the respondents to hear the petitioners in the proceedings initiated against the petitioners under Section 45 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963. The petitioners seek a direction against the respondents not to implement an adverse order against the petitioners, if passed, under Section 45 of the Act for a period of 15 days.

Shri Patil, the learned Assistant Government Pleader appearing on behalf of the respondents states that an appropriate opportunity would be granted to the petitioners in the proceedings initiated against the petitioners under Section 45 of the Act. The learned Assistant Government Pleader, however, opposes the prayer made by the petitioners for staying the adverse order that may be passed against the petitioners in the said proceedings.

In the circumstances of the case, the prayers made by the petitioners cannot be granted in exercise of the writ jurisdiction. If any illegal order is passed against the petitioners in the proceedings under Section 45 of the Act, the petitioners are free to avail the appropriate remedy for seeking a stay of the order. Even if it is the case of the petitioners that the proceedings are initiated on the basis of a letter issued by the Guardian Minister, the prayer for staying the operative order for 15 days cannot be granted. If an adverse order is passed against the petitioners illegally, the petitioners can avail the appropriate remedy.

The writ petition is disposed of with no order as to costs. The issues raised in the petition are kept open.

JUDGE

JUDGE