

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

Writ Petition No.723/2016

(Sharad Ajabrao Bhoyar and another .vs. State of Maharashtra and others)

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

Court's or Judge's orders.

Mr. A.R. Patil, Advocate for Petitioners.

Mr. S.J. Kadu, AGP for Respondent Nos. 1 to 3, 5 & 6.

CORAM : B.R. Gavai & P.N. Deshmukh, JJ.

DATED : February 2, 2016.

1. The petitioners have approached this Court praying for cancellation of the election programme declared by respondent no.4.

2. It is the contention of the petitioner that vide order dated 23.07.2015 while exercising the powers under Section 14(3A) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, (for short "the APMC Act") the State Government had postponed the election for a period of six months. It is the contention of the petitioner that the same was done in view of the drought situation. The learned counsel submits that the same position even exists today and as such there was no occasion to declare the election programme.

3. The provisions of Section 14(3A) of the APMC Act enables the State Government to postpone the election for a period of six months and if necessary for a further period of six months with the rider that the total period shall not exceed one year in the aggregate. It is thus clear that it is for the State Government to exercise

the powers and to take a decision whether the further extension is necessary or not.

4. If the State Government has not decided to extend the said period by a further period of six months, we do not find that any error is committed by respondent no.4 in declaring the election programme.

5. In that view of the matter, we find no merit in the petition. The petition is, therefore, rejected.

JUDGE

JUDGE

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