

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2077/2016

(A.P.M.C., BHANDARA **VERSUS** STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri Anand Parchure, counsel for the petitioner.
 Shri A.M. Balpande, A.G.P. for the R-1 & 3.
 Shri M.I. Dhattrak, counsel for the R-2.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : DECEMBER 2, 2016.

By this writ petition, the petitioner has impugned the public notice issued by Nagar Panchayat, Lakhni, dated 24.03.2016 holding an auction for collecting fees from the retail vendors and the vendors in the slaughter house in Lakhni.

The petitioner-Committee apprehends that by the impugned public notice, the Nagar Panchayat would encroach upon the right of the petitioner-Committee to levy and collect fees, commission and cess on the produce marketed in the market area. It is stated that only the committee would have the authority to levy and collect the fees, commission and cess on the produce marketed in the market area and by the impugned public notice, the Nagar Panchayat cannot encroach upon the right of the A.P.M.C. to collect the fees.

Shri Dhattrak, the learned counsel for the Nagar Panchayat, states that by the public notice, the Nagar Panchayat has not intended to hold the auction for collecting the fees and the cess from the agriculturists in the market area and by the said public notice, the Nagar Panchayat is

desirous of awarding the work of collection of fees from retail vendors and vendors in the slaughter house which is outside the market area. It is stated that the market area of the market committee is different from the market area for which the public notice is issued.

On the statements made on behalf of the parties, it appears that the public notice does not refer to the levy and collection of fees, commission and cess on the produce marketed in the market area and the public notice refers to the collection of fees from the retail vendors and vendors in the slaughter house in Lakhni. Since it appears that the market of the Nagar Panchayat is different from the market area of the market committee, the impugned public notice would not prejudice the petitioner.

In view of the aforesaid, since the right of the petitioner-Committee to levy and collect the cess, market fees or commission on the produce marketed in the market area is not affected, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

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