

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

WRIT PETITION NO.2319/2016

Shivshankar s/o Shalikrao Gite and another

...Versus...

The State of Maharashtra, through its Secretary, Agriculture and Co-operation
Department, Mantralaya, Mumbai – 32 and others

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

Court's or Judge's orders

Shri A.M. Ghare, Advocate for petitioners
Shri N.R. Rode, AGP for respondent nos.1 to 5
Shri Jayant Mokadam, Advocate for respondent nos.6 to 22
Shri C.R. Sharma, Advocate for Intervenor

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

DATE : 17.06.2016

By this petition, the petitioners challenge the order of the State Government appointing the Board of Administrators on the Agricultural Produce Market Committee. As in view of the impugned order, the Board of Administrators was empowered to take the charge from the Administrator - respondent no.4, this Court had by an interim order stayed the impugned order. The petitioners have also prayed for a direction to the State Government to hold the elections as early as possible in consonance with the orders passed by this Court from time to time in the writ petitions filed by the several Agricultural Produce Market Committees and the members.

In view of the interim order passed by this Court on 18.4.2016, the Board of Administrators could not take the charge and the respondent no.4 continues to administer the Agricultural Produce Market Committee. It is stated on behalf of the petitioners that though a solemn statement was made on behalf of the State Government that the elections would be concluded on or before 30.6.2016, the election programme is yet not declared. It is stated that the elections to the present Market Committee are deliberately being delayed at the behest of the respondent no.6 and some others. It is stated that though the lists of the voters of all the constituencies have been supplied to the District Deputy Registrar, the District Deputy Registrar as well as the other State Authorities have not taken any steps to conduct the elections. It is stated that the inaction on the part of the respondents – authorities to hold the elections is deliberate.

The learned Assistant Government Pleader appearing on behalf of the respondent nos.1 to 5 states, on the basis of the affidavit-in-reply filed on behalf of the respondent no.3, that efforts are being taken for ensuring the conduct of the elections as early as possible. It is stated that the elections to 32 Agricultural Credit Societies are still not held and therefore, it is not possible to hold the elections before 30.6.2016. It is, however, stated that the election process would be completed by the end of December, 2016.

We find much force in some of the submissions made on behalf of the petitioners. Since there was an unusual delay in conducting the elections to the Shegaon Market Committee, we had directed that the elections to the Shegaon Market Committee

should be conducted as early as possible and the State Government was directed to conclude the elections before 30.06.2016. If the lists of voters for the 32 constituencies of the Agricultural Credit Societies have been submitted to the District Deputy Registrar, it is difficult to gauge as to why the elections to these Societies are not conducted. In the circumstances of the case, since we had already directed the State Government to conclude the elections before 30.6.2016, we direct the State Government to positively conclude the elections on or before 31.10.2016.

With the aforesaid observations and directions, we dispose of the writ petition with no order as to costs.

It is needless to mention that the respondent no.4 would continue to hold the charge of the Agricultural Produce Market Committee, till the elections are concluded. Order accordingly.

Steno copy of this order is granted.

JUDGE

JUDGE