

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

WRIT PETITION NO.3012/2016

Gajanan Gopalrao Pundkar and another

...Versus...

The State of Maharashtra, through its Secretary, Ministry of Co-operation,
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 H.D. Marathe, Advocate for petitioners
Shri A.M. Balpande, AGP for respondent nos.1 and 2

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

DATE : 24.06.2016

By this writ petition, the petitioners challenge the notice, dated 5.5.2016, issued to the petitioners by the respondent no.2 - District Deputy Registrar under Section 15 (1) of the Maharashtra Agricultural Produce Marketing (Development And Regulation) Act, 1963 to attend the hearing in the appeal filed by the respondent no.4.

It is stated on behalf of the petitioners that though a preliminary objection is raised before the respondent no.2 by the petitioners that the respondent no.2 does not have jurisdiction to entertain and decide the appeal, the said objection is not decided and the matter is fixed for hearing.

The petition is premature. If the preliminary objection of the petitioners is not considered by the District Deputy Registrar and the matter is decided without deciding the preliminary objection, the petitioners would be entitled to challenge the order. At this stage, it would not be proper to entertain the writ petition.

The writ petition being premature, we dismiss the same with no order as to costs. The points raised in the petition are, however, kept open.

JUDGE

JUDGE

Wadkar