

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

WRIT PETITION NO. 3855 OF 2016

Ganuji Devaji There and another

-vs-

The State of Maharashtra, thr.its Secretary, Ministry of Textile and Marketing Deptt.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. Pushkar Ghare, counsel for the petitioners.

Mr. Ambarish Joshi, AGP for the respondent Nos.1 to 3.

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

DATE : 15.07.2016.

By this writ petition, the petitioners seek a direction to the State Government to exercise the powers under Section 14(3) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 and extend the term of the Executive Committee of the Agricultural Produce Market Committee. The petitioners have also sought a direction against the respondent No.2 to immediately conduct the elections to the Executive Committee of the Agricultural Produce Market Committee, after the rainy season.

Since, on the date of filing of the writ petition itself, an Administrator was appointed on the Market Committee in view of the provisions of Section 15A of the Act, the petitioners have sought to amend the writ petition so as to challenge the appointment of the Administrator.

It is stated on behalf of the petitioners that since the petitioners had applied to the State Government for extension of the term of the Market Committee in view of the provisions of Section 14(3) of the Act, it was necessary for the respondents to extend the term of the Market Committee by invoking the provisions of Section 14(3) of the Act. It is stated that the appointment of the Administrator could not have been made when the application of the petitioners for extension of the term of the Market Committee was pending.

Shri Ambarish Joshi, the learned Assistant Government Pleader appearing on behalf of the respondents, states on instructions that the elections to the Market Committee would be conducted immediately and the same would be concluded within a period of four months. It is stated that the Administrator has already taken over the charge of the Market Committee and, therefore, in the circumstances of the case, the writ petition is liable to be dismissed.

In the circumstances of the case, we are not inclined to interfere with the appointment of the Administrator. The petitioners had applied for extension of the term of their office a month before the term expired. We do not find anything in the provisions of Section 14(3) of the Act that necessitates the State Government to extend the term of office of the Market Committee. A discretion is granted to the State Government to extend the term for a period of not exceeding one year in the aggregate. In the instant case, the Administrator was appointed on the day on which the writ petition was filed. Since a statement is made that the elections to the Market Committee would be concluded within a period of four months, it would not be proper to entertain this writ petition against the appointment of the Administrator and decide the issue, as the same would take some time and the State Government has already decided to conclude the elections to the Market Committee within four months.

Hence, without deciding the issues involved in this case, we dispose of the writ petition by accepting the statement made on behalf of the State Government that the elections to the Market Committee would be concluded within a period of four months. The aforesaid statement would be binding on the State Government. We further make it clear that the Administrator should continue on the Market Committee till the elections are concluded and the State Government should not consider appointing independent persons on the Board of Administrators, till the elections are concluded. Order accordingly. No costs.

JUDGE

JUDGE

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 19/07/2016