

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

WRIT PETITION NO.5990/2016

Babarao s/o Baliram Nanote

...Versus...

State of Maharashtra through its Secretary, Department of Cooperation,
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

Mrs. S.W. Deshpande, Advocate for petitioner
Shri S.J. Kadu, AGP for respondents

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

DATE : 15.11.2016

By this petition, the petitioner – APMC challenges the order of the District Deputy Registrar, Cooperative Societies, Akola dated 26.8.2016 asking the petitioner to send the proposal for the improvement of the financial condition of the APMC or for the amalgamation of the APMC as per the provisions of Section 44 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963.

The learned Counsel for the petitioner states that the new body of the APMC has taken the charge in the year 2015 and all efforts are being taken by the APMC for the progress and improvement of the financial condition of the APMC. It is stated that it is not proper on the part of the District Deputy Registrar to ask the petitioner to send the proposal in respect of amalgamation

of the APMC under Section 44 of the Act.

Shri Kadu, the learned Assistant Government Pleader appearing for the respondents states that by the impugned communication, the petitioner – APMC has not directed the petitioner to send the proposal for amalgamation of the Market Committee only and the petitioner was permitted to send the proposal for improvement of the financial condition of the Market Committee or for amalgamation. It is stated that if the petitioner has submitted the necessary proposal in respect of improvement of financial condition of the APMC to the District Deputy Registrar, the petition would be premature, as it is not the case of the petitioner – APMC that any further action is taken by the District Deputy Registrar for the amalgamation of the APMC. It is stated that the apprehension of the petitioner – APMC is ill-founded, as no adverse order is passed against the petitioner – APMC for amalgamation.

We uphold the objection raised on behalf of the respondents to the tenability of the writ petition. By the impugned order, the petitioner – APMC was directed to send the proposal for strengthening or improvement of the financial condition of the Market Committee or for the amalgamation of the Market Committee and there was no direction to the APMC to send the proposal in respect of the amalgamation only. If the petitioner has sent the proposal for strengthening and improvement of the Market Committee, the petitioner should not have rushed to this Court before any adverse action was taken against the petitioner – APMC by the concerned respondents.

In view of the aforesaid, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar