

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

Writ Petition No.5807 of 2015

(Shri Suryakant Ramraoji Gade

vs.

District Deputy Registrar, Co-operative Societies, Yavatmal and others)

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

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Shri Abhay Sambre, Advocate for the petitioner.
Ms. Tajwar Khan, A.G.P. for respondent nos.1 and 2.
Shri M.P. Kariya, Advocate for respondent no.3.
Shri A.M. Ghare, Advocate for respondent no.4.

CORAM : A.S. CHANDURKAR, J.

DATE : 25th JULY, 2016.

Heard.

The challenge in the present writ petition is to the order dated 15/09/2015 passed by the Hon'ble Minister in the proceedings under Section 52B of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963.

The respondent no.4 herein claims to be a 'Sanghatan' carrying out labour work in Government godowns. By application dated 08/07/2014 made to the Administrator of the respondent no.3-Market Committee, the respondent no.4 had sought for grant of loaders licence. On 16/07/2014, the Administrator of the Market Committee refused to grant such licence on the ground that the Government godowns did not fall within the area of operation of the Market Committee. The respondent no.4 thereafter filed an appeal challenging the aforesaid order before the

respondent no.2. The respondent no.2 by order dated 25/07/2014 allowed the same and after setting aside the order of the Administrator, issued directions for grant of aforesaid licence. The petitioner, who claims to be a former Chairman of the Market Committee, challenged the aforesaid order by filing an appeal under the provisions of Section 52B of the said Act. The respondent no.4 objected to his locus to file the said appeal. The Hon'ble Minister after hearing the parties, rejected the same and confirmed the order passed by the Assistant Registrar. Being aggrieved, the present writ petition has been filed.

At the outset, Shri A.M. Ghare, the learned Counsel for the respondent no.4 raised a preliminary objection that the petitioner had no locus to challenge the impugned order inasmuch as he was merely an Ex-Chairman of the Market Committee and was agriculturist by occupation. The Administrator, who was appointed to look after the affairs of the Market Committee had issued the impugned order and he had contested the said proceedings before the Assistant Registrar. The order of the Hon'ble Minister dismissing the appeal had also been accepted by the Market Committee and pursuant thereto the said directions were complied and loaders licence came to be issued on 01/10/2015. He, therefore, submitted that in absence of any locus on the part of the petitioner to challenge the said order, the writ petition did not deserve to be entertained. The learned Counsel placed reliance on the judgment of learned Single Judge in H.N. Mirchandani, Advocate vs. Bombay Municipal Corporation and others - 1995(1) Mh.L.J. 422 in that regard.

Shri Abhay Sambre, the learned Counsel for the petitioner supported the impugned order. He referred to the averments made in paragraphs 1 and 7 of the memorandum of appeal. He submitted that as the impugned order was passed without considering the relevant provisions of the said Act, the same had been challenged by filing the present writ petition.

Ms. Tajwar Khan, the learned Assistant Government Pleader for the respondent nos.1 and 2 and Shri M.P. Kariya, the learned Counsel for the respondent no.3 supported the impugned order.

It can be seen that the dispute raised in the present writ petition is with regard to grant of loaders licence to the respondent no.4. The application moved by the respondent no.4 was not accepted by the Administrator of the Market Committee. The appeal filed by the respondent no.4 was contested by the Administrator before the Assistant Registrar. After the Assistant Registrar allowed the appeal, the said order was not challenged by the Market Committee. Before the Hon'ble Minister, a specific objection was raised to the locus of the present petitioner to file the said appeal. Merely, because the petitioner was the Chairman of the Market Committee at an earlier point of time, the same would not give him any locus on that basis unless it is pointed out that he was aggrieved by grant of loaders licence to the respondent no.4. It has not been demonstrated as to how the petitioner is aggrieved by passing of the impugned order in the present writ petition. Moreover, the Market Committee through its Administrator against whom the directions were issued by the impugned order has accepted the same and

granted loaders licence in favour of the respondent no.4.

Thus, in absence of any legal injury being shown to have been caused to the petitioner, I find that he has no locus to challenge the impugned order in the present writ petition. Hence, I am not inclined to entertain the writ petition at the behest of the petitioner in absence of any locus. Hence, the writ petition stands dismissed with no order as to costs.

JUDGE

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C E R T I F I C A T E

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

Uploaded by: S.D. Waghmare
P.A. to the Hon'ble Judge.

Uploaded on : 29/07/2016