

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

WRIT PETITION NO.6537 OF 2016

[Shri Prashant s/o Bhauraoji Dhaande .vs. State of Maharashtra 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 Soumitra Paliwal, counsel for the petitioner,
Ms. T. Khan, AGP for respondent nos.1, 2 and 4.

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

DATED : NOVEMBER 18, 2016.

By this writ petition, the petitioner challenges the order, dated 29.10.2016 passed by the Director of Marketing under the provisions of Rule 100 (5) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967.

The learned Assistant Government Pleader raises a preliminary objection to the tenability of the writ petition on the ground of existence of an alternate efficacious remedy of filing of appeal before the State Government. It is stated that the petitioner has filed the writ petition without availing the alternate remedy.

On a reading of the provisions of Section 52 (b) of the Act, it is apparent that the petitioner has an alternate remedy of filing of an appeal against the order of the Director of Marketing. It would be necessary for the petitioner to avail the said remedy. In view of the existence of an alternate efficacious remedy, we decline to entertain the writ petition.

The writ petition is disposed of with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE