

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2891 OF 1995

NARAYAN BABAGOD PATIL.
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

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Mr P N Kutti AGP for Respondent State.

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CORAM : V.K. JADHAV, J.
Dated: December 07, 2017

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PER COURT :-

1. None present for the petitioner. Learned A.G.P. present.

2. The elections to the Bhokar Agricultural Produce Market Committee have been held in or about March/April, 1989. Respondent No.7 was thereafter elected as a Chairman and respondent no.8 was elected as Vice Chairman. Though, respondent no.7 was Chairman for about one year, no confidence motion was brought against him and it was passed. Thereafter, the petitioner came to be elected as a Chairman of the aforesaid market Committee. Term of the office of the petitioner and respondent nos. 7 to 14 was for five years

in accordance with the provisions contained in Sub-Section (3) of Section 14 of the Marketing Committee Act. The term thus expired in the month of March/April, 1994. Before expiry of the term, the process to hold the elections was initiated by respondent no.3 by issuing notification on 13.5.1994. The date of publication of the notification in respect of the election was 13.5.1994. Accordingly, the election programme was published. In accordance with the election programme referred above, several persons submitted their nominations from different constituency. Scrutiny was held and list of valid candidates was prepared. However, elections came to be postponed at the instance of then Minister by order dated 1.6.1994. Consequently, respondent no.13 who happened to be one of the member of the Marketing Committee preferred a writ petition no.1926 of 1994 before this Court. Though, this court has issued notice, nothing has happened thereafter. On 20.5.1995 respondent No.4 District Deputy Registrar, Co-operative Societies, Nanded issued an order in accordance with the provisions contained in Section 15 (A) (1) and 15 (B)

of the Marketing Act. By said order dated 20.5.1995 respondent no.4 District Deputy Registrar has declared seats of the members of the respondent no.6 Marketing Committee become vacant. Vide same order, respondent no.4 District Deputy Registrar appointed respondent No.5 as Administrator to carry out the functions of respondent no.6 marketing committee.

3. By way of this writ petition, the petitioner has challenged the order dated 20.5.1995 passed by the District Deputy Registrar, Cooperative Societies, Nanded on the ground that in accordance with the provisions contained in sub-section (3) of Section 15 the term of the office of the outgoing members deemed to be extended to and expire with the date immediately preceding the date of first meeting and in view of this position, respondents no. 1 to 4 and/or anybody else are not entitled to declare that the seats of the members of the respondent no.6 Bhokar Agricultural Produce Market Committee have become vacant. Consequently, appointment of respondent no.5 as Administrator to

carry out the functions of respondent no.6 Market Committee of Bhokar is also challenged.

4. It appears that, due to passage of time considering the dispute raised in this writ petition, the cause for filing of this writ petition has been rendered infructuous. Writ Petition accordingly disposed off as infructuous. Rule discharged. No costs.

(V.K. JADHAV, J.)

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