

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10162 OF 2017

Dattatray Gangaram Kadam

Age: 55 years, occupation - Agriculture

R/o Chulakha, Tq. Dharamabad

Dist. Nanded

Petitioner

Versus

- 1 The State of Maharashtra
through its Secretary - Marketing Department,
Maharashtra State, Mantralaya, Mumbai -32
- 2 The District Deputy Registrar,
Co-operative Societies, Nanded
- 3 The Assistant Registrar,
Co-operative Societies, Dharamabad
Dist. Nanded
- 4 Ram Patil Ratholikar
Age - major, occupation: Politician
District President of B.J.P. (Gramin)
Nanded R/o Balaji Krupa,
Anandnagar, Nanded, Tq. & Dist. Nanded
- 5 The Agricultural Produce Marketing Committee
Dharamabad, Tq. Dharmabad, Dist. Nanded
- 6 Ravindra Malkanna Potgantiwar,
Age: 48 years, occu: Agricultural
R/o Dharamabad, Nanded

7 Bhimrao Narsinga Thormote,
Age: 46 years, occu: Agricultural
R/o Yetala, Dharamabad
Dist. Nanded

Respondents

Mr. Sanket S. Kulkarni advocate for the petitioner
Mr. S.G. Karlekar, Assistant Government Pleader
for Respondent Nos.1 to 3
Mr. U.B. Bilolikar advocate for respondent No.5
Mr. V. D. Hon, Sr. Advocate for respondent No.6
Mr. A.N. Irpatgire advocate for respondent No.7

CORAM : **R. M. BORDE & S. M. GAVHANE, JJ.**

(Date: August 28th, 2017)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken up for final disposal at admission stage.

3 The petitioner is a member of respondent No.5 Agricultural Produce Market Committee (APMC), Dharmabad. According to the petitioner, the term of elected managing committee of APMC Dharmabad came to an end on 1.6.2016 and as such the State Government, in exercise of powers conferred under section 15-A proceeded to appoint the administrator to administer the

functions of APMC. The administrator took over the charge and continued in the office until the date of issuance of the impugned order of appointing a Board of Administrators consisting of the members of APMC, in place the State Government officer. The term of the appointed administrator under the order dated 7.6.2016 was for a period of six months. The said term also came to an end. However, no order was passed in the interregnum until the issuance of the order impugned in this petition and as such, the District Deputy Registrar Cooperative Societies, Nanded, continued to administer the affairs of APMC.

4 The petitioner was apprehensive of initiation of a move by certain persons of getting themselves appointed as the members of the Administrative Committee in place of the Government officer and as such approached this Court by presenting the instant petition.

5 The petitioner has prayed for issuance of direction to respondent Nos.1 to 3 to take steps for initiating the process of election of APMC, Dharmabad and complete the same within the period prescribed under the Statute. Direction is also sought against the respondents for refraining from appointing the administrative committee of private individuals, thereby replacing the administrator who is a Government employee.

6 The petition came to be presented on 4.8.2017. It appears from the record that a praecipe was moved for taking up the matter for admission on 7.8.2017. This Court granted circulation, directing placing of the matter for consideration on 18.8.2017. The matter, however, appeared before this Court on 22.8.2017. It does appear that, the copy of the petition was served on the State Government on 4.8.2017 and before the matter came to be listed for consideration, in terms of direction dated 7.8.2017, the impugned order came to be passed on 14.8.2017. Since the order has been passed by the State Government during pendency of the petition, directing appointment of private individuals, replacing the Government officials, we permitted the petitioner to amend the petition and incorporate the prayer for quashment of the order dated 14.8.2017.

7 It appears on perusal of the petition that, there was already a move initiated for appointing private individuals and a communication was forwarded by the District President of the B.J.P. to the Minister for Cooperation on 7.6.2016, requesting to appoint Board, consisting of the office bearers having association with B.J.P.. Although at the relevant time, no orders were issued by the State government and the official of the State

Government was directed to look after the affairs of the APMC, it does appear that after presentation of the instant petition, when certain orders were contemplated from the High Court, the State Government appears to have taken steps hurriedly and directed appointment of the Board of Administrator, consisting of private individuals.

8 With a view to have transparency and fairness in the process of election, it is desirable that the affairs of APMC shall be administrated by the officer of the State Government, who shall have to be directed to take prompt steps for installation of the elected body in office.

9 It does appear that the apprehension expressed in the instant petition by the petitioner that, the official of the State Government would be replaced by the committee, consisting of private individuals, is found to be true and after presentation of the instant petition, when certain orders were contemplated in the matter, the Board of Administrator, consisting of private individuals came to be appointed. In order to ensure transparency and fairness in the process of election, it is desirable that affairs of the APMC shall be administered by the officer of the State Government so that the democratic process of installing elected representatives in the office can be

undertaken and completed.

10 In the circumstances, the writ petition is allowed in terms of prayer clause 'B-1'. The respondent State is directed to appoint a Government employee as an Administrator to administer the affairs of APMC, Dharmabad, who shall take steps for completing the process of election of APMC, Dharmabad and shall ensure that the election process is completed and elected body is installed in the office within a period of six months from today.

11 Rule is accordingly made absolute.

12 There shall be no order as to costs.

(S. M. GAVHANE, J)

(R. M. BORDE, J)