

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8432 OF 2016

Maharashtra State Market Committees

Co-operative Federation Ltd. Pune

: Petitioner.

Versus

The State of Maharashtra and ors.

: Respondents.

Mr. Drupad S Patil for the Petitioner.

Mrs. M P Thakur AGP for the Respondent/State.

Mr. S S Koregave for the Respondent Nos.2 to 4.

**CORAM : R. M. SAVANT &
SARANG V KOTWAL, JJ.**

DATE : 07th December 2017

P.C.

1 The challenge in the above Petition is to the ordinance which was issued on 30/08/2016. As per the mandate of the Constitution, the life of an ordinance is only for six months. Hence the period has already expired.

2 The learned counsel appearing for the Petitioner Mr. Drupad S Patil states that the Bill in respect of the subject matter of the ordinance was introduced in the Lower House i.e. the Maharashtra Legislative Assembly and was passed by the Lower House in the Sessions ending 05/08/2016 (as per the affidavit filed by the Deputy Director of Marketing Mr. Chandrakant Vithoba Tikule). However, both the learned counsel for the Petitioner as well as the learned AGP Mrs. Thakur are not in a position to say one way or the other

whether the Bill was also passed by the Upper House i.e. the Maharashtra Legislative Council.

3 Be that as it may, in view of the fact that the life of the ordinance came to an end after a period of six months, the challenge in the above Petition has turned infructuous. If the Bill has been passed by both the Houses of the State Legislature and has been translated into an Act, the Petitioner would be at liberty to challenge the said amendment to the Maharashtra Agricultural Produce Marketing (Regulation and Development) Act if they are so advised. Needless to state that the contentions in respect of the said challenge are kept open for the Petitioner to urge in appropriate proceedings.

4 The above Petition is accordingly disposed of as having turned infructuous.

[SARANG V KOTWAL, J]

[R.M.SAVANT, J]