

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

**WRIT PETITION (ST) NO. 34024 OF 2016**

Bandu Ganpti Chougule

..Petitioner.

Vs

The Chairman Kolhapur Sheti  
Utpann Bazar Samiti and Anr.

.. Respondents

WITH

**WRIT PETITION NO. 13594 OF 2016**

Javed Nasuruddinbhai Bagwan

..Petitioner.

Vs

The Chairman Kolhapur Sheti  
Utpann Bazar Samiti and Anr.

.. Respondents

WITH

**WRIT PETITION NO.13595 OF 2016**

Jamir Nasuruddinbhai Bagwan

..Petitioner.

Vs

The Chairman Kolhapur Sheti  
Utpann Bazar Samiti and Anr.

.. Respondents

WITH

**WRIT PETITION NO.13596 OF 2016**

Firoz Nasuruddin Bagwan

..Petitioner.

Vs

The Chairman Kolhapur Sheti  
Utpann Bazar Samiti and Anr.

.. Respondents

Mr.Datta H. Pawar, Advocate for Petitioner.

Mr. Chetan G. Patil, Advocate for Respondents .

**CORAM : R.G.KETKAR,J.**

**DATE : 01/02/2017**

**PC:**

1. Not on Board. At the request of Mr. Pawar, taken up for admission. Heard Mr.Datta Pawar, learned counsel for the petitioner and Mr. Chetan Patil, learned counsel for the

respondents in all petitions at length. Matters were heard at length on 30.1.2017 and at the request of Mr. Pawar, they were kept today under the caption 'for production' so as to enable Mr. Pawar to obtain appropriate instructions.

2. By these Petitions under Article 227 of the Constitution of India, the petitioners have challenged the Judgment and order dated 21.7.2016 passed by the learned 4th Jt. Civil Judge, Junior Division, Kolhapur below Exhibit.5 in suits as also the Judgment and order dated 18.11.2016 passed in Misc. Civil Appeals. By these orders, the Courts below rejected the applications made by the plaintiffs for interim order. It is not in dispute that the action of the A.PMC. Kolhapur is purely consequential based upon the order dated 14.1.2016 passed by the District Dy. Registrar, Cooperative Societies, Kolhapur.

3. Mr. Patil submitted that the Director of Marketing has authorized District Deputy Registrar, Cooperative Societies, Kolhapur to exercise powers under Section 40 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (for short, 'Act'). In view thereof, Appeal against the decision of the District Deputy Registrar will lie before the Director under section 52B(1)(a) of the Act. The petitioners have not challenged the said decision dated 14/1/2016 of District Deputy Registrar. The petitioners have already instituted suits for injunction simplicitor without challenging (1) order dated

14.1.2016 passed by the District Deputy Registrar as also (2) Resolution dated 1.3.2016 passed by the APMC, Kolhapur. Mr. Pawar does not dispute this position. He has tendered photocopy of communication dated 1.2.2017 received by him from Advocate P.S.Bhavake instructing Advocate. Same is taken on record and marked 'X' for identification.

4. Mr. Pawar seeks permission to withdraw suits instituted by the petitioners in the trial Court as also these petitions with liberty to file Appeals under Section 52B(1)(a) before the Director (Marketing). He assures that within four weeks from today all the petitioners will file Appeal along with application for interim order and will also press for interim relief before the Director (Marketing). He submits that ad-interim order granted by this Court may be continued for a period of eight weeks from today. He assures that the petitioners will not seek further extension of interim order.

5. In view thereof, Petitions are disposed of as withdrawn in the following terms:

(i) The petitioners shall withdraw suits instituted by them in the trial Court by producing authenticated copy of this order. Upon production of the authenticated copy of this order, the learned trial Judge will permit the plaintiffs to withdraw the suits.

(ii) Within four weeks from today, the petitioners will file Appeals under section 52B(1)(a) of the Act before the Director

(Marketing) challenging Order dated 14.1.2016 passed by District Deputy Registrar as also Resolution dated 1.3.2016 of Market Committee along with applications for interim relief and will press that interim application before the Director (Marketing) and obtain suitable interim relief within eight weeks from today. The Director (Marketing) is requested to decide the applications for interim relief within 4 weeks from filing of Appeals and Applications for inter relief. To enable the petitions to obtain interim orders, the interim order granted in these petitions shall remain in force for eight weeks from today and interim order shall thereafter stand dissolved automatically without further reference to the Court. Continuation of the interim order shall not be construed as an expression of merits either way. All contentions of the parties on merits in Appeals as also interim applications are expressly kept open. Petitioners shall not apply for further extension of interim order. Order accordingly.

(R.G.KETKAR, J.)