

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 12 OF 2016

Raju Yadu Kamble	.. Petitioner
V/s	
State of Maharashtra & Ors.	.. Respondents

Mr. Sushant Prabhune for the petitioner.
Mr. Shekhar Jagtap i/b J. Shekhar & Co. for respondent no.5.
Mr. S.R. Nargolkar for respondent no.7.
Mr. P.P. Kakade, AGP for the State.

**CORAM: DR. MANJULA CHELLUR, CJ. &
G.S. KULKARNI, J.**

DATE : 20th JANUARY 2017

P.C.:

The petitioner is before this Court alleged to be espousing the cause of general public so far as the starting of fruit and vegetable market in the main yard of Baramati. According to him, already there is a fruit and vegetable market in existence and there was no need to further spend huge money to put up the construction of the present building. He also contends that the Town Planning Authority has not sanctioned the plan and the entire building put up by the Agricultural Produce Market Committee (APMC) is illegal. Again, he submits that the wholesale fruit and vegetable merchants, who are already in the old market, are going to be shifted to the present building, and the building is constructed only with that commercial view.

2. On perusal of records, what we notice is that fruit and vegetable market in the yard of Baramati came to be established in the year 1995. Since the World Bank came forward to grant some funds, the APMC took the opportunity and modernised the fruit and vegetable market by putting up the construction. Though initially there was some deviation in obtaining the plan, subsequent to the intervention of the Town Planning Authority, the construction plan and the sanction are rectified and, according to the Town Planning Authority, the construction put up by the APMC for the purpose of fruit and vegetable market is in accordance with the plan sanctioned by them. The State also has its approval for the said market coming into existence. In the light of such material brought on record, when we look at the prayers and the averments in the petition, the main grievance seems to be without proper sanctioning of the plan the building is being put up by the APMC, which is now rectified even according to the Town Planning Authority.

3. In the above circumstances, nothing remains for us to consider further. Accordingly the PIL is dismissed.

(G.S. KULKARNI, J.)

CHIEF JUSTICE