

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Misc. Civil Application No.944 of 2016

In

Writ Petition No.4644 of 2016

(Chetan s/o Diwankarrao Gawande v. The District Deputy Registrar, Co-operative Societies,
Yavatmal, and others)

And

Misc. Civil Application No.945 of 2016

In

Writ Petition No.4645 of 2016

(Smt. Laxmi wd/o Ramdas @ Bandu Wathode v. The District Deputy Registrar, Co-operative
Societies, Yavatmal, and others)

Office Notes, Memoranda of Coram,

appearances, Court's orders or directions
and Registrar's order

Court's or Judge's orders

In both Misc. Civil Applications :

Shri Firdos Mirza, Advocate for Applicant/Petitioner.

Ms Geeta Tiwari, Assistant Government Pleader for Respondent
Nos.1, 2 and 6.

Shri S.K. Tambde, Advocate for Respondent No.3.

Coram : R.K. Deshpande, J.

Date : 14th July, 2017

In para 2 in the first line of the order dated 26-9-2016
passed in both these misc. civil applications, the word 'is' is
required to be corrected by the words 'which has'.

Necessary correction be carried out in the said order.

Heard the learned counsels appearing for the parties.

Though this Court has passed an order on 26-9-2016 asking the respondent Nos.1, 2 and 6 to file an affidavit stating as to whether the election petition to be filed by the petitioner can be decided by the Collector under Rule 88 of the Maharashtra Agricultural Produce Marketing (Development & Regulation) Rules, 1967 in view of the peculiar facts of this case that the order passed under Rule 51 of the said Rules was by the District Deputy Registrar, who allowed the appeal and rejected the nomination paper of the petitioner.

As per Rule 88 of the said Rules, the matter is required to be decided by the District Deputy Registrar, as the income of the Agriculture Produce Market Committee is below Rs.5 crores. If the income is above Rs.5 crores, then the petition lies before the Collector. To ask the Collector to decide the petition, would be contrary to this provision of law, and the petitioner can adopt his further course of remedy in the event if the petition preferred by him is dismissed.

In view of above observations, both these misc. civil applications are dismissed.

Judge.