

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**WRIT PETITION NO. 7759 OF 2017.**

(Saraswati Shivcharan Sahare & others . .vs. The Agriculture Produce Market Committee)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. M.P. Khajanchi, Advocate for petitioners,
Mr. U. Dastane, Advocate for respondent.
Mr. A. Parchure, Advocate for intervenor.

CORAM : B.P. DHARMADHIKARI & MRS. SWAPNA S. JOSHI, JJ.

DATED : DECEMBER 15, 2017.

1] Heard for sometime.

2] It is apparent that the petitioners do not have any right to conduct any business in market yard. They have not been given any licence or authorization as per the provisions of the A.P.M.C. Act. Perusal of communication at page 27 shows that some association of Adtiyas (Commission Agents) have requested A.P.M.C. to permit them to function and may be because of that representation the A.P.M.C./its office bearers or officers may have ignored the unauthorized possession. Petitioners claim that they are doing business since 24.8.2013 at existing place.

3] According to Mr. U. Dastane, learned Advocate for respondent APMC, there are 40 unauthorized shops temporarily functioning by road side in market yard.

4] Only 14 petitioners are before us. They have also paid amount of Rs.10,000/- each as directed by this Court in its order

dated 8.12.2017.

5] We in this situation direct the petitioners to cooperate with staff of A.P.M.C. in identifying their 14 structures so that the same can be permitted for a reasonable time within which petitioners have to vacate. Indirectly, we are giving them time to vacate considering their possession since 24.8.2013.

6] Mr. M.P. Khajanchi, learned Advocate for petitioners, upon instructions states that time till 31.3.2018 should be granted. Mr. U. Dastane, learned Advocate for respondent APMC, is opposing such a long time. However, in this situation, we grant petitioners time till 31.3.2018 to remove their 14 structures and to discontinue their business.

7] Only to see that the space occupied by these 14 structures is not again encroached upon or occupied by some unauthorised persons, the said space shall be identified jointly by petitioners with staff of APMC.

8] If the structures are so removed and possession is handed over to APMC by 31.3.2018, amount above deposited with the Registry of this Court shall be allowed to be withdrawn by concerned petitioners. If that is not so done, liberty to APMC to apply for withdrawal of that amount.

9] With these directions, we dispose of this Writ Petition. No costs.

10] In view of these orders, C.A. Stamp No. 26801/17 filed for intervention is rendered infructuous and it is disposed of.

Judge

Judge

J.