

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 76 OF 2006

PRAKASH SHANKARRAO PATIL

... PETITIONER

VERSUS

THE STATE OF MAHARASHTRA & ORS

... RESPONDENTS

...

Mr.P.R. Patil, Advocate for the Petitioner

Mr.C.S. Kulkarni, AGP for the Respondent Nos.1 to 3

**CORAM : PRASANNA B.VARALE &
S.M.GAVHANE, JJ.**

DATED : 13.06.2018

P.C. :-

Heard Mr. P.R. Patil, learned counsel appearing for the petitioner and Mr.C.S. Kulkarni, learned AGP for respondent Nos.1 to 3.

2. The present petition seeks to challenge the constitutional validity of the provisions of Section 6 of the Amendment Act 11 of 2003, dated 08.04.2003, whereby the provisions of section 13(1)(c) were amended, taking away the right to vote of a person who is elected from the constituency.

3. The Division Bench of this Court by referring to challenge in the petition, tagged the petition alongwith other petitions, namely, Writ Petition Nos. 385, 485, 548, 570, 572, 573, 574, 584 and 606 of 2004.

4. Mr. C.S. Kulkarni, learned AGP appearing for the respondent Nos.1 to 3 invited our attention to the order passed by the Division Bench in the bunch of petitions dated 02.04.2008. The order reads thus:

"These petitions filed under Article 226 of the Constitution of India challenge the virus of Section 13(1)(c), 13(1)(d) and 13(1)(e) of the Maharashtra Agriculture Produce Marketing (Regulations) Act, 1965. In the light of the judgment of the Division Bench of this court in Tanaji Patil and anr. Vs. Kolhapur A.P.M.C. and ors., 2006 (4) Mh.L.J.97., the points urged in this petition are no longer res integra and therefore stand concluded. The Division Bench in the aforesaid judgment had dismissed similar petitions raising identical challenge. In the light of the aforesaid judgment, there is no merit in these petitions and therefore, these petitions are dismissed with no order as to costs.

Rule stands discharged."

5. Our attention was also invited to the judgment of the Division Bench in the matter of "Tanajirao Rangrao Patil and others Vs. Kolhapur Agricultural

Produce Market Committee" reported in 2007(3) Bom.C.R.509. As the issue raised in this petition in no more res integra as there is judicial pronouncement by way of judgment in the matter of *Tanajirao Rangrao Patil (Supra)*, the present petition would also fail.

6. In the result, the petition is dismissed and disposed of accordingly.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]