

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2219 OF 2018

Shankar Rangnath Raut & Ors. ...Applicants

Versus

The State of Maharashtra & Ors. ...Respondents

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Mr. N. B. Khandare, Advocate H/F Mr. M. P. Tripathi, Advocate for Applicants.

Mr. M. M. Nerlikar, A. P. P. for Respondent No. 1 to 3.

Mr. S. S. Panale, Advocate appointed for Respondent Nos. 4 and 5.

Mr. R. N. Dhorde, Senior Counsel I/B Mr. S. N. Suryawanshi, Advocate for Respondent No. 6.

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WITH

WRIT PETITION NO. 5024 OF 2018

WITH CA/10697/2018 IN WP/5024/2018

WITH CA/10696/2018 IN WP/5024/2018

WITH CA/10695/2018 IN WP/5024/2018

WITH CA/11546/2018 IN WP/5024/2018

WITH WP/8344/2018 WITH WP/8643/2018

WITH WP/8604/2018 WITH WP/9588/2018

WITH WP/9758/2018 WITH WP/9962/2018

WITH WP/10577/2018 WITH WP/11048/2018

The Vaidyanath Urban Co-operative Bank Ltd.

...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

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Mr. R. N. Dhorde, Senior Counsel I/B Mr. S. N. Suryawanshi, Advocate for Petitioner & Mr. P. M. Shah, Senior Counsel I/B Mr. M. M. Joshi, Advocate for Petitioner.

Mr. H. P. Jadhav, Advocate, Mr. V. D. Salunke, Advocate, Mr. A. L. Muley, Advocate, Mr. S. V. Deshmukh, Advocate, Mr. L. H. Kawale, Advocate, Mr. P. R. Patil, Advocate, all the Advocates for Petitioners.

Mr. M. M. Nerlikar, A. P. P. for Respondent No. 1 to 3.

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**CORAM : T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**
DATE : 19-12-2018.

ORAL ORDER :

01. Heard the learned Senior Counsels of Vaidyanath Bank and Sangli Bank and learned Counsel for Dena Bank. Heard the Counsels representing the farmers in proceedings 8463 of 2018, 9758 of 2018 and 1108 of 2018, 9588 of 2018. These proceedings are filed by the farmers on the basis of order made by learned Commissioner Sugar dated 14.3.2018. Under this order in view of the Sugar Cane Control Order 1966 the learned Commissioner had given directions to see that the price of sugar viz. Rs. 9 crores 79 lacs with interest is recovered from the factory from the sugar, molasses and bagasse etc. and if required by selling movable and immovable property of the factory and that amount is disbursed amongst the sugar cane suppliers. The priority of the creditors will be decided by proper authority. This Court is only considering the entitlement of the farmers that too from prima facie angle. In view of this, the learned Senior Counsel Mr. Dhorde and learned Counsel for Dena Bank submitted on instructions that without prejudice to their rights the claims of farmers in respect of sugar cane supplied by them for crushing season

2017-2018 may be settled as per the order made by learned Commissioner sugar. The learned Senior Counsel Mr. Shah for Sangli Bank submitted that property is mortgaged with his bank and nothing which may prejudice the rights of the bank be done. This Court is considering the rights, entitlement of farmers from only prima facie angle and this Court is holding that in view of the order made by the Commissioner which has the base of the sugar cane control order, 1966 the claims of the farmers needs to be cleared of immediately. So the amount which is mentioned in the order by Sugar Commissioner is to be sent to the concerned, Collector, Osmanabad for immediate disbursement amongst the farmers. If there is any order made by this Court of nature of stay, injunction etc. to that extend said order stands vacated, modified. Registry to see that the amount mentioned by the Sugar Commissioner is immediately sent to Collector Osmanabd for disbursement alongwith the copy of order made by this Court. Authenticated Copy to all the sides. In view of the order, the petitions filed by the farmers 8463, 9758, 11048 and 9588 of 2018 stand disposed of and intervention application bearing No. 14850 of 2018 and 14849 of 2018 stand disposed of. It will be open to the farmers to agitate their claim or grievance action that needs to be

taken under the provisions of Essential Commodities and other Acts. The Officer of Vaidyanath Bank Mr. S. P. Khandale, AGM and Recovery Officer of Vaidyanath Bank is present before this Court. The Collector should disburse the amount within 7 days from the date of receipt of the amount. Reply filed by respondent No. 2 in proceeding No. 9962 of 2018 is taken on record.

02. List the other proceedings on 10.1.2019.

[SMT. VIBHA KANKANWADI]

JUDGE

[T. V. NALWADE]

JUDGE

Dahibhate/-