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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 299 OF 2016

Shetkari Sahakari Tambakhu Kharedi VikriPetitioner
Sangh Ltd.

V/s.

Kolhapur Agriculture Produce MarketingRespondents
Committee and others

Mr. S. R. Ganbavale for the Petitioner
Mr. V. D. Patil a/w Mr. C. G. Patil for Respondent nos. 1 to 3

**CORAM : R. M. SAVANT &
NITIN W. SAMBRE, JJ.**

DATE : 31st OCTOBER, 2018.

P.C.

The above Writ Petition has been filed for quashing and setting aside the Order passed by Respondent no. 5 dated 24/04/2015 in the Appeal filed by the Petitioner bearing no. 5 of 2014. The Petitioner seeks further direction that the Respondent no. 1 be directed to allot plot nos. 331 and 332 situated in the market area to the Petitioner with immediate effect.

2 The genesis of the dispute relating to the allotment made to the Petitioner is the allotment letter dated 08/04/1991 issued to the Petitioner. The said allotment did not fructify for one reason or the other and amongst the reasons is the reason that the Petitioner was seeking the allotment of two plots i.e. plot nos. 331 and 332 which were reserved for a Jaggery Research Centre. The Petitioner, it seems kept quiet until he filed a proceeding purported to be an Appeal under Section 52-B of the Agriculture Produce Market Committee (APMC for short) Act. The said Appeal came to be dismissed by the Respondent no. 5 by the impugned Order dated 24/04/2015 on the ground that no allotment could be made to the Petitioner as desired by him. It seems that in the intervening period, the Petitioner was also asked to pay enhanced amount of Rs. 9,19,980/- which the Petitioner admittedly did not pay. An affidavit-in-reply has been filed on behalf of the Respondent no. 1 and in the context of the relief sought in the above Petition, paragraph 4 of the said reply assumes importance. The said paragraph no. 4 is reproduced hereinafter for the sake of ready reference.

“I say that the contents of paragraph 2 are incorrect and untrue and I expressly deny the same. I say that the petitioner has not got renewed its license after 2014 and hence as on date there is no license operating in favour of the petitioner. As there is no license operating in favour of the petitionenr there is no question of the petitioner carrying out any activity of purchase and sale of agricultural produce in the campus of the respondent no. 1”.

3 Hence, a reading of paragraph no. 4 discloses that the Petitioner's licence has not been renewed after the year 2014 meaning thereby that the Petitioner has ceased to be a member of the Respondent no. 1 APMC since the year 2014. The said fact is not disputed by the learned counsel Mr. Ganbavale appearing for the Petitioner. In our view, the fact stated in paragraph no. 4 that the Petitioner's licence has not been renewed impinges upon the relief which has been sought by the Petitioner in the above Writ Petition. Obviously a person who is not a licensee of the Respondent no. 1 in any of the capacities in which a person can operate in the market area, cannot claim the allotment of a plot. In our view therefore,

both on merits on the ground that the relief sought by the Petitioner cannot be countenanced at this stage as also on the ground that the Petitioner on account of non renewal of the licence has become ineligible, the above Writ Petition is required to be dismissed and is accordingly dismissed.

[NITIN W. SAMBRE, J.]

[R. M. SAVANT, J.]