

Sequeira

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

WRIT PETITION NO.6247 OF 2018

Jalindar Jayram Patil and others ... Petitioners.

V/s.

State of Maharashtra
through Marketing and Textile
Department and others ... Respondents.

***Along with
CIVIL APPLICATION NO. 1280 OF 2018***

Arun Sakharam Jadhav ... Applicant

In the matter between

Jalindar Jayram Patil and others ... Petitioners.

V/s.

State of Maharashtra
through Marketing and Textile
Department and others ... Respondents.

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***Along with
WRIT PETITION NO. 11419 OF 2017***

Arun Sakharam Jadhav

... Petitioner.

V/s.

State of Maharashtra
through the Department of
Marketing Textile and others

... Respondents.

Mr.P.K.Dhakephalkar, Senior Advocate a/w Amol Mhatre, for
Petitioners in W.P. No.6247 of 2018.

Mr.Rajiv Chavan, Senior Advocate a/w Priyanka Chavan and
Anupama Pawar i/b Arun Palekar, for the Petitioner in W.P.
No.11419 of 2017 and for the Applicant in CAW No.1280 of 2018.

Mr.Kirit J.Hakani a/w Ms.Niyati Hakani, for Respondent No.5 in
W.P. No.6247 of 2018 and for Respondent No.8 in in W.P.
No.11419 of 2017.

Mr.M.M.Pabale, AGP for State.

***CORAM : R.M. Borde and
V.M. Deshpande, JJ.***

DATE : 24 July, 2018.

P.C. :-

Liberty to add the Commissioner, Maharashtra State
Election Authority as party respondent is granted.

2. Petitioners are praying for issuance of a direction for quashing and setting aside the order passed by the State Government on 30 May 2018 thereby recalling the extension in respect of continuance of the Managing Committee accorded in terms of the order dated 26 October 2017. It is not a matter of dispute that the term of the Managing Committee of the Society has come to an end on 12 August 2016. The first extension for a period of six months was accorded under section 14(3) of the Maharashtra Agricultural Produce Market Committee Act 1963, on 6 January 2017. The second extension was accorded for further period ending upto 12 August 2017 under the provisions of section 14(3) and 3A of the APMC Act. Thereafter again the elections came to be postponed by virtue of the order passed by the State Government on 18 May 2017 and also in view of the exemption granted by the State Government under section 14(3)(A) of the APMC Act, for operation of the provisions of the Act requiring holding of elections and putting an embargo in respect of grant of extension. An order came to be passed directing the continuance of the Managing Committee for a period of one year commencing from 26 August 2017. The order granting extension in view of the section 14(3)(A) read with section 43(1) has been withdrawn by the virtue of the impugned order. It is not a matter of dispute that the Managing Committee has continued for almost three years after the expiry of the term. The Managing Committee whose elected tenure has come to an end does not have

any entitlement in law for continuing in the office. It is informed that after issuance of the order dated 30 May 2018 an Administrator, who is an official of the State Government has been appointed to supervise the affairs of the APMC. The elections of the Managing Committee have been delayed for more than two years. In the circumstances, in order to meet ends of justice it would be appropriate to direct the State Government as well as Maharashtra State Election Authority which is a party respondent in the companion petition bearing No.11419 of 2017 to complete process of election within the specified time frame. The respondent - Maharashtra State Election Authority is thus directed to complete the process of election of the APMC Kalyan as expeditiously as possibly, preferably within period of six months from today. The authorities concerned entrusted with the task of finalisation and forwarding of the voters list to the Maharashtra State Election Authority shall immediately complete the process of finalisation of the list within the time stipulated under the provisions of the APMC Act, and the Rules framed thereunder and forward the same expeditiously to the State Election Authority so as to facilitate it to hold the elections within time period stipulated under this order. The respondent nos.1 and 2 in Writ Petition No.6247 of 2018 are directed not to change the administrator and even if he is replaced he shall be the officer of the State Government and the appointed Administrator shall not be replaced by private individual until the

completion of process of election. In view of the directions as above, both the Writ Petitions are disposed of. Pending Civil Application seeking intervention stands disposed of in view of the disposal of the Writ Petitions.

(V.M. Deshpande, J.)

(R. M. Borde, J.)