

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1781 OF 2018

IN

WRIT PETITION NO. 5476 OF 2018

**The Nashik Agricultural Produce Market
Committee**

..... Applicant

IN THE MATTER BETWEEN

**The Nashik Agricultural Produce Market
Committee**

..... Petitioner

VERSUS

**The Maharashtra State Agricultural
Marketing Board & Ors.**

..... Respondents

Mr.Kishor S. Patil for the Petitioner.

Mr.Vijay D. Patil for the Respondent no. 1.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent nos.2 to 5.

CORAM : R.D. DHANUKA, J.

DATE : 13th AUGUST, 2018

P.C.

The papers are allowed to be produced at 03.00 p.m.

2. By consent of parties, the civil application is heard finally. The respondents waive service.

3. By order dated 4th May,2018 passed by this court in Writ Petition No.5476 of 2018, this court has already granted *ad-interim* relief in

terms of prayer clause (c) of the writ petition thereby execution, operation and implementation of the order dated 22nd December, 2017 passed by the learned Assistant Registrar, Co-operative Societies, Nashik has been stayed. In spite of the said *ad-interim* order, learned Tahsildar has proposed to take steps by issuing a notice dated 15th June, 2018 to implement the said order.

4. Mr. Patil, learned counsel appearing for the respondent no. 1 is not able to defend the notice issued by the learned Tahsildar nor Mr. Rayrikar, learned A.G.P. for the respondent nos. 2 to 5.

5. Learned Tahsildar, Nashik shall not take any steps for execution, operation and implementation of the notice dated 15th June, 2018 till next date in the Writ Petition No. 5476 of 2018.

6. Civil application is accordingly made absolute in terms of prayer clauses (a) and (b). Civil application is disposed of in the aforesaid terms. Amendment to be carried out within one week from today. Learned Additional Government Pleader would accept the service on behalf of the respondent no. 6.

7. The petitioner is also directed not to create any third party rights in respect of the properties which are subject matter of the notice dated 15th June, 2018 as well as 10th April, 2018 till next date.

8. It is made clear that the applicant is also permitted to challenge the validity of the notice dated 15th June, 2018 in the writ petition.

9. Amended copy of the petition shall be served upon the respondents through their advocates within one week from the date of carrying out amendment.

10. Place the writ petition on board for admission on **4th September, 2018.**

[R.D. DHANUKA, J.]