

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1464 OF 2004

(Agriculture Produce Market Committee, Bhandara thr. its President Shri Rambhau Isanji Kadhao Vs. Zilla Parishad, Bhandara thr. its Chief Executive Officer, Bhandara and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri P.S. Khubalkar, Advocate for Petitioner.
Ms. M.P. Munshi, Advocate for Respondent No.1.
Shri Anand Parchure, Advocate for Respondent No.2.
Ms. N.P. Mehta, AGP for Respondent Nos.3 & 4.

CORAM: B.P. DHARMADHIKARI AND
ARUN D. UPADHYE, JJ.

DATE: 8th MARCH, 2018.

1] Heard Advocate Khubalkar for petitioner, Ms. Munshi, Advocate for respondent no.1, Shri Parchure Advocate for respondent no.2 and Ms. Mehta, learned A.G.P. for respondent nos.3 and 4.

2] The petitioner-A.P.M.C. questions right of respondent No.1 Zilla Parishad to levy and collect tax on agricultural produce marketed in its area.

3] Our attention has been invited to order dated 23.02.2017 passed in Writ Petition No.1337/2000. There A.P.M.C. Lakhani was the petitioner. After taking note of Gazette Notification dated 12.02.2015 transforming area of operation of A.P.M.C. and subjecting some area to newly formed Municipal Council, Writ Petition No.1337/2000 is disposed of.

4] Here after said Gazette Notification area of petitioner is also subjected to respondent no.2-Municipal Council. However, in petition there is no prayer against respondent no.2. Advocate Khubalkar has submitted that at that time respondent no.2 could not have demanded any tax on agricultural produce.

5] In this situation, grievance against respondent no.1 is rendered infructuous. If there is any cause of action as against respondent no.2, we grant petitioner leave to raise such grievance before appropriate forum as per law. With this liberty keeping all contentions of the parties open, we dispose of present writ petition. Rule discharged. No costs.

JUDGE

JUDGE