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

CIVIL APPLICATION NO.4562 OF 2017 IN
WRIT PETITION NO.1409 OF 2014

The Agricultural Produce Market Committee
Jalgaon

...APPLICANT

VERSUS

The Jalgaon Market Yard Adat Association
and others

...RESPONDENTS

.....
Shri V.D. Sapkal, Advocate with
Shri V.B. Patil, Advocate for applicant
Shri S.P. Shah, Advocate with
Shri A.N. Sikchi, Advocate for respondent No.1.
Shri V.S. Badakh, A.G.P. for respondents No.2 to 4
Shri V.D. Gunale, Advocate for respondent No.5
.....

CORAM: PRASANNA B. VARALE AND
 R.G. AVACHAT, JJ.

DATED : 26th JULY, 2019.

ORAL ORDER :

Heard Mr. Sapkal, learned counsel for the applicant,
Mr. S.P. Shah, learned counsel for respondent No.1, Mr. V.S.
Badakh, A.G.P. for respondents No.2 to 4 and Mr. V.D. Gunale,
Advocate for respondent No.5.

2. The present Civil Application was filed with a basic
prayer, prayer clause (B) and the prayer reads thus :

- (B) The applicant may be permitted to withdraw the statement in paragraph No.3 of the order dated 19th December, 2014 in Writ Petition No.1409 of 2014 to the extent and that “APMC shall construct after leaving the space of 37 meters from centre of the road without seeking any relaxation.”

3. During pendency of the application, it was brought to the notice of this Court that the proposal is submitted by the applicant Agricultural Produce Market Committee to the State Government and the same is pending decision. The Division Bench of this Court, by recording certain facts in order dated 7/2/2019, directed that the application be listed when there is a decision on the proposal submitted by the Agricultural Produce Market Committee. The Division Bench of this Court also pleased to observe that this Court is not expected to step into the shoes of the local body to consider the relevant provisions of the Act including the provisions with regard to National Highway, and expects the local body to take decision first on the application made by the APMC for construction.

4. Mr. Sapkal today invited our attention to the additional affidavit on behalf of the applicant. It is submitted that, initially, by order dated 7/6/2019, the proposal of the applicant was turned down as there were certain deficiencies in

the proposal. The copy of the document dated 7/6/2019 is placed on record along with the application. Mr. Sapkal then invited our attention to the latest document dated 19/7/2019, whereby the Assistant Director, Town Planning, Jalgaon City Municipal Corporation, Jalgaon granted permission to the applicant A.P.M.C. subject to certain conditions. Mr. Sapkal submitted that, in view of this latest development, he is not pressing the application and the application be disposed of.

5. Though Mr. Shah, the learned counsel appearing for non-applicant No.1 was opposing the submission for disposal of the application, considering the fact, namely there is latest decision of 19/7/2019, whereby the applicant APMC, Jalgaon is permitted to carry out the construction subject to certain conditions and the applicant itself is not pressing the application, we see no reason not to dispose the application. Accordingly, the application is disposed of.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-