

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

WRIT PETITION NO. 5612 OF 2018

Balareddi @ Balaji s/o. Sayareddi Kankante Petitioner

Versus

The State of Maharashtra & Ors. Respondents

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Shri. V. D. Salunke, Advocate for the petitioner
Shri. K. B. Jadhavar, AGP for respondent/State
Shri. S. K. Kadam, Advocate for respondent No. 3
Shri. A. N. Nagargoje, Advocate for respondent No. 4
Shri. Sudhir K. Chavan, Advocate for respondent No. 5
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**CORAM : S. V. GANGAPURWALA
AND
A. M. DHAVAL, JJ.**

DATE : 9TH APRIL, 2019

ORAL ORDER:

1. Heard learned counsel for the respective parties.
2. On 23.07.2011, the last elections of the Agriculture Produce Market Committee were held. The term of the elected body came to an end on 27.07.2016. The election are not held. Respondent No. 1 removed the managing committee and appointed Administrator. Thereafter, on 14.08.2017, the Administrative

Committee was appointed consisting of 17 members. The term of Administrative Committee can only be for six months as per the provisions of the Maharashtra Agricultural Produce Market Committee Act, 1967. Subsequently, after the term of the Administrative Committee, again the Administrator is appointed. Two and half years have lapsed. The elections of the respondent No. 5 - APMC are not held.

3. The reason given in the affidavit is about financial crunch. In the affidavit it is stated that, approximately an amount of Rs.16,74,300/- would be required to conduct the election of APMC of respondent No. 5. We do not understand as to how such a huge amount would be required for conducting the election of APMC. It is stated that, an amount of Rs. 15,21,323/- is available as on 12.03.2019. An amount of Rs. 7,40,000/- has been deposited towards the election expenses with the District Election Officer, Nanded. The affidavit filed by respondents No. 2 and 3 on 13.03.2019 further states that, an amount of Rs. 7,60,000/- would be deposited with the District Election Officer and the remaining amount of Rs. 1,74,300/- would be arranged and deposited towards election fund within three months. The said affidavit is filed by Assistant Registrar, Cooperative Societies, Degloor, who is also the

Administrator of respondent No. 5 / APMC. This would show that, the necessary fund is available.

4. The respondents shall start the process for conducting the election from the stage of the preparation of the voters list within a period of two months from today and shall conduct the election in accordance with the rules, expeditiously, preferably within the time frame given after publication of the provisional voters list.

5. The Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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