

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

WRIT PETITION NO.15093 OF 2019
WITH
WRIT PETITION NO.15094/2019
WITH
WRIT PETITION NO.15095/2019
WITH
WRIT PETITION NO.15096/2019
WITH
WRIT PETITION NO.15097/2019

VISHNUPANTH EKNATH KHANDAGALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THRO ITS PRINCIPAL SECRETARY AND
OTHERS

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Advocate for the Petitioners : Shri Kale Ajeet B.
AGP for Respondents 1, 2 and 4 : Shri S.R.Yadav
Advocate for Respondent 5 : Shri Rahul R. Karpe

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 16th December, 2019

Per Court:

1 The learned AGP points out that the petitioners have a statutory remedy in the form of approaching the State by preferring an appeal under the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 and the Rules framed thereunder.

2 The Honourable Supreme Court has recently taken a view, in

the matter of *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai vs. Tuticorin Educational Society, 2019 SCC Online SC 1292 (Civil Appeal No.7764/2019 decided on 03.10.2019)*, that a statutory remedy available would be a "near total bar" for entertaining a writ petition in the supervisory jurisdiction of this Court. In a recent judgment in *Genpact India Pvt. Ltd. vs. Deputy Commissioner of Income Tax, 2019 SCC Online SC 1500 (Civil Appeal No.8945/2019 decided on 22.11.2019)*, the Honourable Supreme Court has concluded that even an admitted petition should be dismissed in the face of the statutory remedy. The jurisdiction of the High Court is barred and a writ petition should not be entertained.

3 The learned advocate for the petitioners submits that as the learned AGP has informed that the charge of the concerned portfolio is with Shri Jayant Patil, Honourable Cabinet Minister, the petitioners would prefer their proceedings within one week. Since the issue is as regards disqualification and the APMC Act mandates a quick decision within 30 days, the Honourable Minister be directed to decide the matter expeditiously.

4 Considering the above, these Writ Petitions are disposed off with liberty to the petitioners to avail of the statutory remedy as is permissible in law. Respondent no.5, who has appeared before the Court,

is at liberty to *suo moto* appear before the Honourable Minister. The learned AGP appearing on behalf of respondent nos.1, 2 and 4 submits that the Honourable Minister would decide the proceedings expeditiously.

5 Considering the above, after the parties have appeared before the Honourable Minister, he would expeditiously hear the matter by permitting the parties to advance their oral and written submissions and after such submissions are put forth, the Honourable Minister would pass a reasoned order on a pre-announced date, preferably within THREE WEEKS after the closing of the oral hearing of the matter. All contentions of the parties are kept open including the objections raised by these petitioners. It shall be an endeavour of the Honourable Minister to complete this exercise within TEN WEEKS from the date of the filing the proceedings.