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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8233 OF 2018

Shri Machindra Dagadu Dhavale

.Petitioner

vs.

**Adminisrator/Secretary Agricultural
Produce Market Committee, Pune & Ors**

.Respondents

Mr. Uday Nighot, for the Petitioner.

Mr. S.B. Deshmukh, for respondent No.1.

Mr. P.V. Nelson Rajan, AGP for respondent Nos.2 and 4.

Mr. U.S. Upadhyay I/b S.N.Chandrachood for respondent No.5.

CORAM : A.S. GADKARI, J.

DATE : 25th June 2019.

P.C.:

1] By the present petition under Article 227 of Constitution of India, the petitioner has taken exception to the concurrent findings recorded by all the three Authorities below.

2] Heard the learned counsel for the petitioner, the learned counsel for the respective respondents and the learned AGP. Perused the record annexed to the petition.

3] The petitioner was allotted shop No.4 in Shed No.1 in Flower Market by the respondent No.1 Committee. It is noticed by the

respondent No.1, that the petitioner has transferred the said premises in favour of the respondent No.5 by executing an Agreement and the respondent No.5 was conducting his business from the said Shop. After noticing the said fact, respondent No.1 issued notice to the petitioner dated 25.5.2011. After conducting detailed, the respondent No.5 passed the impugned Order dated 28.3.2012, cancelling the license as commission agent of the petitioner so also allotment of the said shop in favour of petitioner.

4] The petitioner filed an appeal bearing No.858 of 2012 before the respondent No.2 i.e. the Deputy Registrar Co-Operative Societies, Pune under Section 9(A) of the Agricultural Produce Marketing Committee Act, 1963 (for short "A.P.M.C. Act"). The respondent No.2 after hearing the parties to the said appeal and after scrutinizing entire the evidence available on record was pleased to confirm the Order dated 28.3.2012 passed by the respondent No.1.

5] The petitioner thereafter preferred further appeal under Section 52(B) of the A.P.M.C. Act before the Honourable Minister of Co-Operation, Marketing and Textile, State of Maharashtra. After hearing the parties to the said appeal and after perusing the record, the respondent No.4 was pleased to dismiss the said appeal and

confirmed the Orders passed by the concerned Authorities below. The petitioner has challenged the said concurrent findings recorded by the three authorities below in the present petition.

6] The record discloses that, the petitioner did not dispel the contention of the respondent No.1 by adducing evidence in that behalf, though he had ample opportunity to do so. It further appears from the record that, the respondent No.5 has admitted the fact of taking over the shop of petitioner for his own business.

7] The Supreme Court in the case of *Shalini Shyam Shetty & Anr. Vs. Rajendra Shankar Patil*, reported in (2010) 8 SCC 329 has enumerated the principles in the exercise of High Court's jurisdiction under Article 227 of the Constitution of India. It is held that, the High Courts cannot, at the drop of a hat, in exercise of its power under Article 227 of the Constitution, interfere with the Orders of tribunals or courts interior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of the court or tribunal subordinate to it. In cases, where an alternative statutory mode of redressal has been provided, that would also operate as a restraint on the exercise of this power by the High Court. That, the High Court can interfere in exercise of its power of superintendence when there

has been a patent perversity in the orders of the tribunals and courts subordinate to it or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted.

It is further held that, in exercise of its power of superintendence, the High Court cannot interfere to correct mere errors of law or fact or just because another view than the one taken by the tribunals or courts subordinate to it, is a possible view. In other words, the jurisdiction has to be very sparingly exercised. That, the power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court.

The afore-stated view expressed in the case of *Shalini S. Shetty (Supra)* has been further affirmed by the larger Bench of the Supreme Court in the case of *Radhey Shyam & Anr. Vs. Chhabi Nath and Ors. Reported in (2015) 5 SCC 423*.

8] As noted above, the authorities below have recorded concurrent findings. After applying the ratio laid down by the

Honourable Supreme Court in the said decision and after perusing the entire material available on record, this Court is of the view that, the Authorities below have not committed any error either in law or on facts while passing impugned Orders. The impugned Orders do not suffer from any error or illegality.

The present petition being devoid of merits, is accordingly rejected.

(A.S. GADKARI, J.)