

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

WRIT PETITION NO. 4918 OF 2020

Tukaram Venkatrao Kadam .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Nilkanth R. Pawade, Advocate for the Petitioner.
Mrs. V. S. Chaudhari, A.G.P. Respondent Nos. 1 and 2.
Shri V. D. Salunke, Advocate for Respondent Nos. 4 and 5.

**WITH
WRIT PETITION NO. 4928 OF 2020**

Rajendra Babarao Thite .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri R. N. Dhorde, Senior Advocate h/f Shri Vikram R. Dhorde,
Advocate for the Petitioner.
Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 and 2.

**WITH
WRIT PETITION NO. 4930 OF 2020**

Pradeep Tukaram Kokadwar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Swapnil S. Rathi, Advocate for the Petitioner.
Mrs. V. S. Chaudhari, A.G.P. for Respondent Nos. 1 and 2.
Shri V. D. Salunke, Advocate for the Respondent No. 3.

**WITH
WRIT PETITION NO. 4931 OF 2020**

Pradeep Prabhakar Waghikar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Subhash V. Mundhe, Advocate for the Petitioner.
 Mrs. V. S. Chaudhari, A.G.P. for Respondent Nos. 1 to 3.
 Shri V. D. Salunke, Advocate for the Respondent No. 4.

WITH
WRIT PETITION NO. 4936 OF 2020

Sanjay Baburao Kokadwar .. Petitioner
Versus
 The State of Maharashtra and others .. Respondents

Shri Swapnil S. Rathi, Advocate for the Petitioner.
 Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 and 2.
 Shri V. D. Salunke, Advocate for the Respondent No. 3.

WITH
WRIT PETITION NO. 4938 OF 2020

Geeta Vijay Ghuge .. Petitioner
Versus
 The State of Maharashtra and others .. Respondents

Shri Subhash V. Mundhe, Advocate for the Petitioner.
 Mrs. V. S. Chaudhari, A.G.P. for Respondent Nos. 1 to 3.
 Shri V. D. Salunke, Advocate for the Respondent No. 4.

WITH
WRIT PETITION NO. 4945 OF 2020

Yamunabai Namdevrao Ghule
 and others .. Petitioners
Versus
 The State of Maharashtra and others .. Respondents

Shri Subhash V. Mundhe, Advocate for Petitioners.
 Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 3.
 Shri V. D. Salunke, Advocate for the Respondent No. 4.

WITH
WRIT PETITION NO. 4833 OF 2020

Vividha Karyakari Seva Sahkari
Society Ltd. Jintur through its
Chairman Bhagwan Shrirangrao
Deshmukh .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Nilkanth R. Pawade, Advocate for the Petitioner.
Mrs. V. S. Chaudhari, A.G.P. for Respondent Nos. 1 to 3.

WITH

WRIT PETITION NO. 4927 OF 2020

Priyanka Punkaj Toshniwal
and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri R. N. Dhorde, Senior Advocate i/by Shri V. R. Dhorde,
Advocate for Petitioners.
Mrs. V. S. Chaudhari, A.G.P. for Respondent Nos. 1 and 2.
Shri V. D. Salunke, Advocate for the Respondent No. 4.

WITH

WRIT PETITION STAMP NO. 10833 OF 2020

Shivshankar Sakhamappa Kurhe .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Subhash V. Mundhe, Advocate for the Petitioner.
Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 3
Shri V. D. Salunke, Advocate for the Respondent No. 4.

WITH

WRIT PETITION STAMP NO. 10836 OF 2020

Ashwini Damodarrao Ghuge .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Subhash V. Mundhe, Advocate for the Petitioner.
 Mrs. V. S. Chaudhari, A.G.P. for Respondent Nos. 1 to 3
 Shri V. D. Salunke, Advocate for the Respondent No. 4.

**WITH
 WRIT PETITION STAMP NO. 10859 OF 2020**

Durgesh Manikchand Rathod .. Petitioner
Versus
 The State of Maharashtra and others .. Respondents

Shri Subhash V. Mundhe, Advocate for the Petitioner.
 Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 3
 Shri V. D. Salunke, Advocate for the Respondent No. 4.

**WITH
 WRIT PETITION STAMP NO. 10860 OF 2020**

Sanjeewani Bhagwan Watane .. Petitioner
Versus
 The State of Maharashtra and others .. Respondents

Shri Subhash V. Mundhe, Advocate for the Petitioner.
 Mrs. V. S. Chaudhari, A.G.P. for Respondent Nos. 1 to 3
 Shri V. D. Salunke, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
 R. G. AVACHAT, JJ.
 DATE : 20TH JULY, 2020.**

FINAL ORDER :

. The petitioners in these writ petitions except Writ Petition No. 4928 of 2020 challenge the order passed by the authority cancelling the lease.

2. In Writ Petition No. 4928 of 2020, the petitioner assails show cause notice issued to the petitioner.

3. It is the contention of Mr. Salunke, the learned counsel for the respondent/Agricultural Produce Market Committee, Jintur that, the petitioners had initially filed civil suit. The application for temporary injunction is rejected. The petitioners have also filed statutory appeal before the appellate authority. These facts have been suppressed by the petitioners in the writ petitions. The petitioners could not have filed the present writ petitions. The petitioners have not approached the Court with clean hands.

4. Mr. Dhorde, the learned senior counsel, Mr. Mundhe, Mr. Rathi and Mr. Pawade, the learned counsel for respective petitioners submit that, because of pandemic situation curfew was in force in Aurangabad and Pune districts, as such for emergent orders, the writ petitions have been filed.

5. In fact, the petitioners ought to have disclosed the fact about filing of appeal in emergent circumstances. This Court could have entertained the writ petitions in its extraordinary writ jurisdiction under Article 226 of the Constitution of India. However, it was bounden duty of the petitioners to disclose availment of alternate remedy.

6. It is not disputed by all the parties that, the appellate authority is functioning and can deal with the matters.

7. As the appeals are already filed by the petitioners, we are not inclined to entertain these writ petitions. The petitioners are

at liberty to obtain appropriate and necessary orders from the appellate authority on its own merits. We continue interim orders passed by this Court for further period of ten (10) days. It is made clear that, on lapse of period of ten days from today, interim protection granted by this Court shall come to an end. The appellate authority shall decide the proceedings on its own merits without being influenced by the interim orders passed by this Court.

8. In Writ Petition No. 4928 of 2020, the final order has not been passed by the authority. The authority shall after giving opportunity to the petitioner may proceed to decide the matter of which show cause notice is issued to the petitioner on its own merits.

9. In Writ Petition No. 4833 of 2020, it is contended that, the appeal is not filed. The petitioner is at liberty to file the appeal. In the said matter also interim protection shall continue for a period of ten (10) days from today.

10. In the light of the above, the writ petitions are disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 20