

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

WRIT PETITION NO. 6052 OF 2020

1. Harishchandra S/o Ramprasad Shinde,
Age : 56 Years, Occu. : Agril.
R/o Jawala (Bdk), Tq. Sengaon,
District Hingoli.
2. Shankarrao Babarao Patil,
Age : 52 Years, Occu. : Agril.,
R/o Wadad, Tq. & Dist. Hingoli.
3. Ravjirao Ramrao Wadkute,
Age : 70 Years, Occu. : Agril.,
R/o Babhulgaon, Tq. Sengaon,
District Hingoli.
4. Prashantkumar Vasantkumar Soni,
Age : 54 Years, Occu. : Business,
R/o Bhatt Colony, Hingoli,
Tq. & Dist. Hingoli.
5. Prabhakar Namdevrao Shelke,
Age : 60 Years, Occu. : Agril.,
R/o Ghota (Devi),
Tq. & Dist. Hingoli.
6. Jeejabai Shriram Shinde,
Age : 55 Years, Occu. : HH & Agril.,
R/o Sawa, Post Bhandegaon,
Tq. & Dist. Hingoli.
7. Limbajirao Vikram Mutkule,
Age : 65 Years, Occu. : Agril.,
R/o Hanvatkheda,
Tq. & Dist. Hingoli.

8. Baban Kisanrao Sawant,
Age : 60 Years, Occu. : Agril.,
R/o Narsi Namdev, Dist. Hingoli.
 9. Dattarao Punjajirao Jadhav,
Age : 65 Years, Occu. : Agril.,
R/o Kadpi, Post Narsi Namdeo,
Dist. Hingoli.
 10. Narayan Namdeorao Vaidya,
Age : 61 Years, Occu. : Agril.,
R/o Phalegaon, Dist. Hingoli.
 11. Uttamrao Rabhaji Wabale,
Age : 66 Years, Occu. : Agril.,
R/o Umra (Wabale),
Tq. & Dist. Hingoli.
- .. Petitioners

Versus

1. The State of Maharashtra,
Through – Secretary,
Co-operation & Textile & Marketing
Department, M.S. Mantralaya,
Mumbai – 32.
2. The Collector,
Hingoli District, Hingoli.
3. The Director of Marketing,
Maharashtra State, Central Building,
Pune, Dist. Pune.
4. The District Deputy Registrar,
Co-operative Societies, Hingoli,
District Hingoli.
5. The Administrator,
Agricultural Produce Market Committee,
Hingoli, Superintendent of the Office

Of District Deputy Registrar,
Co-operative Societies, Hingoli,
District Hingoli.

- 6) Agricultural Produce Market Committee,
Hingoli, Tq. & Dist. Hingoli,
Through Its Secretary. .. Respondents

Shri Dilip J. Choudhari, Advocate for Petitioners.
Mrs. Vaishali N. Jadhav Patil, A.G.P. for Respondent Nos. 1 to 4.
Shri M. S. Shaikh, Advocate for the Respondent No. 5.
Shri Abhijit Choudhari, Advocate for the Respondent No. 6.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 18TH MARCH, 2021.**

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. The petitioner assails the order rejecting the application of the petitioners for extension of the term of the managing committee and superseding the managing committee.

3. Mr. Choudhari, the learned advocate for petitioners submits that, pursuant to the result of the elections declared on 16th March, 2015 the first meeting was held on 09th April, 2015. The term of the managing committee was to expire on 09th April, 2020. On 24.01.2020 the Government extended the elections of Agricultural Produce Market Committee, Hingoli (for short "APMC") by six months. On 08th April, 2020 the term of the

managing committee was not extended and the administrator was not appointed. On 10th July, 2020, the Government further extended the elections of the APMC for six months. Abruptly on 19th August, 2020, the administrator is appointed on the respondent No. 6/APMC. The learned advocate submits that, order rejecting the application of the petitioners for extension of term is without reason. The respondents are adopting dual policy. APMC favoured by the respondent/State are granted extension and the application for extension of APMC like the respondent No. 6 is rejected without assigning any reasons.

4. The learned advocate for petitioners refers to Section 14 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963.

5. The learned Assistant Government Pleader for respondents/State submits that, the managing committee of the APMC does not have vested right in seeking extension of their term. It is discretion of the Government to extend the term considering all the pros and cons of the matter. Conscious decision is taken in not extending the term of the APMC. The respondents on arriving at the subjective satisfaction about functioning of the managing committee has rejected the application for extension of the term. The assessment was made of the past performance and illegality committed.

6. Perusing the impugned order, it is manifest that no

reasons are assigned while rejecting the application of the managing committee of the respondent No. 6 for extension of their term. Instances are quoted by the petitioners of other managing committees of the APMC, who are being granted extension. It is not a policy decision of the State not to grant extension to the APMC, whose term has expired.

7. We have under our judgment and order dated 01st March, 2021 in Writ Petition No. 5164 of 2020 with other connected writ petitions considered the aspect as raised in the present writ petition and had allowed the writ petitions. The present petitioners appear to be similarly situated.

8. For the reasons recorded in the judgment and order dated 01st March, 2021 passed by this Court in Writ Petition No. 5164 of 2020 with other connected writ petitions, we pass similar order.

ORDER

(i) The impugned decision of the State authorities of appointing Administrator in respect of the respondent No. 6/APMC Hingoli is hereby quashed and set aside.

(ii) The State authorities are directed to take decision afresh on the proposal seeking extension of the Managing Committee of respondent NO. 6/APMC submitted by the petitioners by taking into consideration the appointment of Administrator in State of

Maharashtra in view of postponement of elections of APMCs due to Covid-19 pandemic and also the record of complaints if any against the Board of Directors.

(iii) However, the Board of above respondent No. 6/APMC shall not take policy decisions, till the State authorities take decision on their application/proposal a fresh.

(iv) Rule is made absolute in above terms. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/March 21