

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
930 WRIT PETITION NO.10384 OF 2021**

DEELIP DEVIDAS BHALSING AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. V. D. Hon, Senior Advocate i/by Mr. Ashwin V.
Hon, Advocate for the Petitioners.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. V. H. Dighe, Advocate for Respondent No.3.

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 21st SEPTEMBER, 2021.

PER COURT:-

1. We have heard Mr. Hon, learned senior advocate for petitioners.

2. The learned senior advocate submits that, petitioners are ready for holding the elections. Even the cheque of Rs.10,00,000/- was deposited, the same is returned back. The respondents be directed to hold the elections. The learned senior advocate further submits that, on false and frivolous charges, the notice under Section 45 of the Agriculture Produce Marketing (Development and Regulation) Act, 1963 (hereinafter referred to as 'Act, 1963') is issued. The learned senior advocate submits that, the said notice is issued in malafide intention and is politically motivated. The petitioner would file say to the show cause

notice. However, if any adverse orders are passed, the same may not be effected within a period of fifteen days.

3. Mr. Dighe, learned counsel for respondent no.3 submits that, the elections of A.P.M.C. are postponed upto 23.10.2021. In view of that, upto 23.10.2021 the elections cannot be held.

4. The respondents may proceed to hold the elections of respondent no.4-A.P.M.C. considering the directives that may be issued by the State Government from time to time and also considering the ground realities and situations.

5. The petitioner may file reply to the notice under Section 45 of the Act, 1963 and may participate in the proceedings. The petitioner already has remedy available, if any adverse orders are passed.

6. The copy of the order passed under Section 45 of the Act, 1963 shall be supplied and intimated to the petitioner immediately.

7. Writ Petition accordingly disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE