

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
47 WRIT PETITION NO.10721 OF 2021**

ABHILASH RAOSAHEB GIGHE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS ..RESPONDENTS

...
Mr. A. M. Gaikwad h/f Mr. Niteen V. Gaware,
Advocate for the Petitioners.
Mr. A. R. Kale, AGP for Respondents-State.
...

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

DATED : 27th SEPTEMBER, 2021.

PER COURT:-

1. The learned counsel for petitioners submits that, the basis upon which the notice under Section 45 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (hereinafter referred to as 'Act, 1963') is issued has been set aside by the Director of Marketing, Maharashtra State, still on the political pressure proceedings under Section 45 of the Act, 1963 are initiated.

2. The learned counsel further submits that, as the proceedings are politically motivated, the protection may be granted for a period of 15 days, so as to enable them to prefer an Appeal, if any adverse order is passed.

3. The petitioners may raise all grounds in the proceeding under Section 45 of the Act, 1963. Naturally, the grounds raised shall have to be considered by the Authority on its own merits and in case, the order is passed under Section 45 of the Act, 1963, the parties have remedy of Appeal.

4. The respondents may proceed to hold the elections as may be permissible under law and considering the S.O.P. of the State Government and the ground realities. The petitioners shall be provided with the copy of the order passed under Section 45 of the Act, 1963, if any, immediately.

5. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE