

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
18 WRIT PETITION NO.11021 OF 2021

AGRICULTURE PRODUCE MARKET COMMITTEE, KAIJ
THROUGH ITS PRESIDENT LAXMIKANT MAHADEVRAO LAD

VERSUS

DISTRICT DEPUTY REGISTRAR AND ANOTHER

...
Advocate for Petitioner : Mr. V. D. Salunke.

GP for Respondent/State: Mr. D. R. Kale.
...

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

DATE : 04th October, 2021.

PER COURT:

. Mr. Salunke, learned counsel for petitioner submits that earlier twice notices were issued to the petitioner purportedly invoking Section 40 of the Agricultural Produce Market Committee Act. Replies were filed. They were satisfied with the reply. Now, abruptly, the proceeding under Section 45 are initiated with *mala-fide* intention and for political purpose only. According to the learned counsel, the petitioner has already deposited Rs.1,00,000/- for holding elections. There is no impediment for the respondents to hold the elections.

2 The learned counsel submits that if any order adverse is passed, 15 days protection be granted. The action is politically

motivated only because out of 19 members, 17 members belong to opposition party. The Government is issuing such notices and taking up action to see that adverse order is passed and the petitioners are not allowed to contest the election. The breathing time be given to the petitioner by granting protection, if adverse order is passed.

3 We have heard the learned Government Pleader.

4 The respondents may proceed further for conduct of the elections as per its policy.

5 The proceedings are pending. The petitioner will have every opportunity to file reply. Naturally, the respondents will have to consider the reply filed by the petitioner before arriving at the conclusion.

6 The respondents certainly will have to consider the earlier notices issued and replies filed while taking the decision.

7 If any decision adverse to the interest of the petitioner is taken, the respondents will be duty bound to provide a copy of the order immediately to the petitioner before proceeding further.

8 With the aforesaid observations, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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