

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

WRIT PETITION NO. 8423 OF 2020

Agriculture Market Committee Dhule
Through its Chairman Subhash
Shivajirao Deore and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri R. N. Dhorde, Senior Advocate a/w Shri P. S. Dighe,
Advocate i/by Shri V. R. Dhorde, Advocate for Petitioners.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 3.
Shri V. D. Hon, Senior Advocate i/by Shri Ashwin V. Hon,
Advocate for Intevenors.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 11TH FEBRUARY, 2021.

FINAL ORDER :

. The petitioners are assailing communication dated 03rd December, 2020 issued by the Desk Officer of the respondent No. 1 thereby not granting extension of term to the petitioners.

2. The term of the petitioners came to an end in December 2020.

3. Mr. Dhorde, the learned senior advocate for petitioners submits that, the impugned order is without assigning any reasons. An order without assigning any reasons is bad in law

and cannot be sustained. The learned senior advocate further submits that, petitioner No. 1/Agricultural Produce Market Committee is not responsible for any delay. It was because of the extraordinary circumstances created due to Covid – 19 pandemic, the elections are not held within the stipulated period. The petitioner No. 1 is performing all the duties. The learned senior advocate further submits that, when elections are not held because of the natural calamity for which the petitioner No. 1 is not responsible, the respondents ought to have continued democratically elected body, more particularly when there are no allegations of malpractice, so also of misfeasance or malfeasance vis-a-vis on the part of the petitioner No. 1. The learned senior advocate relies on the judgment of the Division Bench of this Court in the case of **Babasaheb Apparao Akat Vs. State of Maharashtra and others** reported in ***2010(4) Mh.L.J. 360***.

4. The learned senior advocate further submits that the State cannot pick and choose the A.P.M.C's for grant of extension of term. Similarly situated other A.P.M.C.'s are granted extension of term, whereas those A.P.M.C.'s which are not under the ruling party administrators are appointed. The said approach is arbitrary and cannot be sustained.

5. Mr. Hon, the learned senior advocate for the intervenors submits that, there are eighteen members in the managing committee of the petitioner No. 1. Out of eighteen members, twelve members have resigned and do not want to continue and

they accepted the order dated 03rd December, 2020 impugned in the present writ petition.

6. The learned Assistant Government Pleader for respondents/state submits that, no resolution is placed on record authorizing the present petitioners to file petition on behalf of the society. Twelve out of eighteen elected members of board of directors of the A. P. M. C. have resigned and they have communicated that, they are not interested in continuing the term.

7. To grant extension of the term U/Sec. 14 Sub Section 3 of the Maharashtra Agricultural Produce Marketing (Development and Regulation Act, 1963 is the discretion of the Government. The discretion that vests with the Government is not a unregulated discretion, but the discretion to be exercised as per the applicable norms.

8. The reasons are now considered to be third pillar of principles of natural justice. Distinction between quasi judicial and administrative orders is almost obliterated. Reasons are required to be given even in the case of administrative orders. Reasons depict the application of mind of the authority passing order. In the present case the order does not give any reasons.

9. The petitioners have placed on record orders to suggest that to some A.P.M.C.'s extension of term has been granted and

the A.P.M.C.'s like the petitioner No. 1 are discriminated. We certainly would have considered the arguments on behalf of the petitioners to that extent. However, it is a matter of record that, twelve out of eighteen members of the petitioner No. 1 have resigned and they accept the order of the State Government. The term is also over. It would not be possible for the remaining six to perform day today functions. The necessary coram also would not be constituted. The 2/3rd number of directors have already resigned. The discretion of the Government in nominating the members on the post of those directors who have resigned also may not be possible at this stage after the term is over more particularly when the elections may take place within a short period.

10. In the light of the events that have taken place viz the resignation of 2/3 directors of the managing committee and only six directors of the managing committee out of eighteen are remaining and interested in continuing, it would not be appropriate to direct continuation of the term of the managing committee of petitioner No. 1/A.P.M.C.

11. In view of the above, the writ petition stands disposed of. No costs.

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