

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1016 WRIT PETITION NO.11669 OF 2021

VISHWANATH BABURAO KADAM

VERSUS

THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Petitioner : Mr.S.S.Thombre

I/c.GP for Respondent-State : Mr.D.R.Kale

Advocate for Respondent nos.2 and 3 :

Mr.S.K.Kadam

Advocate for Respondent no.5 : Mr.M.S.Karad.

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1017 WRIT PETITION NO.11679 OF 2021

WITH

CIVIL APPLICATION NO.11529 OF 2021

KAPIL BABASAHEB AKAT

VERSUS

THE STATE OF MAHARASHTRA AD OTHERS

...

Advocates for Petitioner : Mr.S.S.Thombre

I/c.GP for Respondent-State : Mr.D.R.Kale

Advocate for Respondent no.2 & 4 :

Mr.V.H.Dighe

Advocate for respondent no.6 : Mr.V.A.Bagal

Patil

...

WITH

WRIT PETITION NO.12178 OF 2021

NAGNATHRAO SANTUKRAO NAGRALE-PATIL & OTHERS

VERSUS

THE STATE OF MAHARASHTRA & OTHERS

...

Advocates for Petitioners:Mr.S.B.Ghatol Patil

I/c.GP for Respondent-State : Mr.D.R.Kale

Advocate for respondent nos.6 & 7 :

Mr.S.K.Kadam

Advocate for Respondent no.8 in
W.P.No.12178/2021 : Mr.U.M.Maske

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1018 WRIT PETITION NO.11680 OF 2021

WITH

CIVIL APPLICATION NO.11531 OF 2021

RAMESH SALIKRAM SOLANKE

VERSUS

THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Petitioner : Mr.S.S.Thombre

I/c.GP for Respondent : Mr.D.R.Kale

Advocate for Respondent nos.2 and 4 :

Mr.V.H.Dighe

Advocate for Respondent no.6 : Mr.V.A.Bagal

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1019 WRIT PETITION NO.11681 OF 2021

GANGADHAR NAMDEORAO KADAM

VERSUS

THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioner : Mr.M.P.Tripathi

I/c.GP for Respondent-State : Mr.D.R.Kale

Advocate for Respondent Nos.2 and 4 :

Mr.S.K.Kadam

Advocate for Respondent no.6 : Mr.R.R.Chandak

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WITH

WRIT PETITION NO.11682 OF 2021

SUDARSHAN ATMARAM SONAWANE & ANOTHER

VERSUS

STATE OF MAHARASHTRA & OTHERS

...

Advocate for petitioners : Mr.Umesh Gite h/f.
Mr.Mahesh Deshmukh

I/c.GP for respondent -State : Mr.D.R.Kale

Advocate for respondent no.3 : Mr.S.K.Kadam

Advocate for respondent no.4 : Mr.U.L.Momale

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1020 WRIT PETITION NO.11688 OF 2021

SHIVAJI PRALHADRAO YEDE
 VERSUS
 THE STATE OF MAHARASHTRA & OTHERS

...
 Advocate for Petitioner : Mr.S.S.Thombre
 I/c.GP for Respondent-State : Mr.D.R.Kale
 Advocate for Respondent nos.2 and 4 :
 Mr.V.H.Dighe
 Advocate for Respondent no.6 : Mr.M.S.Karad

...
1021 WRIT PETITION NO.12040 OF 2021

SHIVAJI SATVA WAVHALE & ANOTHER
 VERSUS
 THE STATE OF MAHARASHTRA & OTHERS

...
 Advocate for Petitioners : Mr.Sujit Patil
 h/f. Mr.V.D.Salunke
 I/c.GP for Respondent – State : Mr.D.R.Kale
 Advocate for Respondent no.3 : Mr.V.H.Dighe
 Advocate for Respondent No.4 : Mr.B.G.Londhe
 Advocate for respondent : Mr.Nilkanth R.
 Pawade

...
1022 WRIT PETITION NO.12041 OF 2021

AMBADAS RAMBHAU TATHE & ANOTHER
 VERSUS
 THE STATE OF MAHARASHTRA & OTHERS

...
 Advocate for Petitioners : Mr.Sujit Patil
 h/f. Mr.V.D.Salunke
 I/c.GP for Respondent-State : Mr.D.R.Kale
 Advocate for Respondent No.3 : Mr.V.H.Dighe
 Advocate for respondent no.4 : Mr.B.G.Londhe

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1023 WRIT PETITION NO.12050 OF 2021

ASHOK MOHAN PAWAR & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Petitioners : Mr.R.N.Dhorde,
Senior Counsel i/b. Mr.V.R.Dhorde
I/c.GP for Respondent-State : Mr.D.R.Kale
Advocate for Respondent nos.2 and 3 :
Mr.S.K.Kadam
Advocate for Respondent no.13 : Mr.P.S.Dighe

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1025 WRIT PETITION NO.12193 OF 2021

SATYAJEET SHANKARAO SHIRSAT
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Petitioner : Mr.K.J.Ghute Patil
AGP for Respondent-State : Mr.P.K.Lakhotiya
Advocate for Respondent nos.2 and 4 :
Mr.V.H.Dighe
Advocate for Respondent no.6 :
Mr.M.P.Tripathi

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1026 WRIT PETITION NO.12397 OF 2021

SUBHASH ALA RATHOD
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Petitioner : Mr.G.R.Ingole
Addl.G.P. for Respondent-State : Mr.P.S.Patil
Advocate for Respondent nos.2 and 4 :
Mr.V.H.Dighe
Advocate for Respondent No.6 : Mr.G.D.Jain

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1027 WRIT PETITION NO.12486 OF 2021

SAHEBRAO DAGDU WALKE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Petitioner : Mr.L.H.Kawale
I/c.GP for Respondent-State : Mr.D.R.Kale

Advocate for Respondent nos.2 to 4 :
Mr.S.K.Kadam

Advocate for respondent no.5 : Mr.Prashant H.
Sukale

Advocate for respondent no.6 :
Mr.K.J.Suryawanshi

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CORAM : S.V. GANGAPURWALA
AND
R.N. LADDHA, JJ.

DATE : 18th NOVEMBER, 2021

PER COURT :-

. In all these Writ Petitions, the petitioners claim to be the members of the Primary Agricultural Societies and the Directors/ Members of the Primary Agricultural Societies.

2. Mr.Thombre, Mr.Salunke, Mr.Tripathi, Mr.Dhorde, Mr.Kishor Patil Ghute, Mr.Ingole and Mr.Kawale, learned Advocates for the petitioners contend that the respondents are proceeding further with the elections of the Agricultural Produce Market Committees (for short, "APMCs"). There are 18 electorate of the APMCs. Out of 18 electorate, 11 are the Directors of the Primary

Agricultural Societies. The term of the committees of the Primary Agricultural Societies has come to an end. If the elections of the Managing Committees of the APMCs are held today, the members of the Primary Agricultural Societies would be precluded from participating in the election process of the APMCs, so also would lose opportunity to get elected as the Directors of the APMCs. Moreover, the quorum also would not complete.

3. To illustrate, it is submitted that as far as Beed is concerned, there are 144 Primary Agricultural Societies. Out of 144 Primary Agricultural Societies, the elections of 126 Primary Agricultural Societies are not held though the term is over. All the Directors of the Primary Agricultural Societies are entitled to participate in the elections of the APMCs and all the Directors of the Primary Agricultural Societies are the voters for the elections of the Managing Committee of the APMCs. It is further submitted that as per proviso to sub-section (1) of section 15 of the Agricultural Produce Marketing (Development and Regulation) Act, 1963, the term of the office of the members of APMC is co-terminus with the term such person holds as Director of Primary Agricultural Society.

4. The learned Advocates submit that if

the elections of the APMCs are held *de hors* the participation of the members/Directors of the Primary Agricultural Societies, the elections would not be complete nor the purpose and object of holding the elections would be fructified.

5. Mr.Kadam and Mr.Dighe, learned Advocate for the State Co-operation Election Authority and the District Election Officer submit that these respondents have proceeded to conduct the elections of the APMCs pursuant to the directions of the Government. The learned Advocates further submit that they have also initiated the process for conducting the elections of the Primary Agricultural Societies in phase-wise manner.

6. Mr.Dighe, learned counsel further submits that in case of Jintur APMC, there were directions issued by this Court under order dated 4th October, 2021 directing the elections of APMC be held, the same was pursuant to the Government Resolution dated 30th September, 2021.

7. Mr. Kale, the learned Government Pleader, on instructions received from the Ministry of Co-operative, Marketing and Textile Department submits that it is desirable and appropriate to hold the elections of the Primary Agricultural Societies before holding the elections of the Managing Committee of the APMCs

and that before conducting the elections of the APMC, the Election Authority should conduct the elections of the Primary Agricultural Societies. The communication received by the learned Government Pleader from the Department of Co-operative, Marketing and Textile is placed on record and marked "X" for identification.

8. It appears from the facts and situation brought to the notice of this Court that the elections of the majority of the Societies not being held, was not put-forth before the Court while passing the order dated 4th October, 2021 in Writ Petition No.5267 of 2020 with connected Writ Petitions.

9. Be that as it may, it has been brought to the notice that majority of the Primary Agricultural Societies would not in a position to participate in the elections of the APMCs and very purpose and object of conducting the elections would be lost if the societies do not participate.

10. We can understand if the few Primary Agricultural Societies are not in position to participate in the elections and for that purpose the elections of the APMC may not be stalled but here the majority of the Primary Agricultural Societies (Directors/members) would not be in a

position to participate in the elections as is illustrated in case of Beed. Out of 144 Primary Agricultural Societies, the members/Directors of 126 societies would not be in a position to participate in the elections because the term is over.

11. Considering the above, the State Government has taken practical approach as represented by the learned Government Pleader that the State has also opined that it is appropriate to take elections of the Primary Agricultural Societies before the elections of the APMCs.

12. In the light of above facts and circumstances and the stand of the State Government the State Co-operative Election Authority, Taluka Co-operative Election Officer and the District Election Officer of APMC shall first conduct the elections of the Primary Agricultural Societies and thereafter all APMCs. The same shall be done expeditiously and in time bound manner. We are also being apprised, the Election Authorities have already commenced the elections of the Primary Agricultural Societies phase-wise manner, the same shall be expedited of course adhering to the time stipulations under the Statute and without wasting any further time.

13. With the aforementioned observations,
the Writ Petitions stand disposed of. No costs.

14. Civil Applications stand disposed of.

(R.N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)

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