

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12666 OF 2021

DATTATRAYA RAMRAO SHINDE AND ANOTHER
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Satyajit S. Bora
Incharge GP for Respondent Nos 1 and 3 : Mr. D.R. Kale
Advocate for Respondent Nos. 2 & 5 : Mr. V.H. Dighe
Advocate for Respondent No. 4 : Mr. U.B. Bilolikar

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 6th DECEMBER, 2021

PER COURT :-

1. It is submitted that elections of Primary Agricultural Societies are declared and election process of Agricultural Produce Market Committee has not commenced.

2. It is further submitted that there are (42) Primary Agricultural Societies, out of that, term of (37) Societies is over and on (15) Societies, Administrative Board/Authorized Officers are appointed. Certainly, these Societies that are manned by Administrative Board would not be in a position to vote. The Election Authorities has already taken decision in such cases to first hold the elections of the Primary Agricultural Societies and then the Agricultural Produce Market Committee("APMC").

3. Mr. Dighe, learned counsel for respondents No. 2 and 5 placed on record the order dated 24-11-2021 in Civil Application No. 1860 of 2021 and Writ Petition No. 4731 of 2021 of the Division Bench at Nagpur and submitted that in the said cases election programme was declared. However, as observed in the present case, elections of Primary Agricultural Societies are to commence in phase wise manner and elections of APMC

has not been declared as yet and election process is not initiated. Even voters list is not finalised. In most of the Agricultural societies, Administrative Board / Authorized Officer are appointed and managing Committee's term is not extended.

4. In Writ Petition No.11669 of 2021 and other connected writ petitions, decided by this Court under order dated 18th November, 2021, it was brought to our notice that in none of the matters, the election programme of APMCs was declared. Even voters lists were not finalized. As the election programme for the election of APMCs was not declared, hence we entertained the petitions and in the matters where the election programmes were declared, the same were dismissed by passing separate orders.

5. While deciding Writ Petition No.11669 of 2021 with connected Writ Petitions under order dated 18th November, 2021, we have considered other aspects also.

6. Be that as it may, proviso to sub-section (1) of Section 15 of the Agricultural Produce Marketing (Development and Regulation) Act, 1963 prescribes that 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. The Election Authority has commenced the elections of the Primary Agricultural Societies in phase-wise manner. Even assuming that, the term of some of the Managing Committees is extended and they are entitled to participate in the elections of APMCs and the elections of the Primary Agricultural Societies are held after some days or months they will have to vacate the office as the Directors of APMCs and elections for the post of Directors of APMCs held by those persons will have to be held again within short time.

7. In the present case, election process of APMC has not commenced, respondent may proceed further for holding elections of Primary Agricultural Societies in phase-wise manner as decided by the election authorities before the elections of APMC.

8. The writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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