

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

**WRIT PETITION NO.5267 OF 2020
WITH
CIVIL APPLICATION NO.7492 OF 2020
IN
WRIT PETITION NO.5267 OF 2020**

**Waman Raybhan Kukade And Another
VERSUS
The State Of Maharashtra And Others**

Mr.Satyajit S.Bora, Advocate for the Petitioners.
Mr.D.R.Kale, Government Pleader for the Respondents/State
Authorities.

Shri V.D. Salunke, Advocate for Respondent 4.
Shri S.K. Kadam, Advocate for Respondent 5.

**AND
WRIT PETITION NO.2887 OF 2020**

**Manik Uttamrao More And Another
VERSUS
The State Of Maharashtra And Others**

Mr. Pawade Nilkanth R., Advocate for the Petitioners.
Mr.D.R.Kale, Government Pleader for the Respondents/State
Authorities.

Mr.S.K. Kadam, Advocate for respondents 2 and 3.
Mr. Nitin Jugdale, Advocate for respondent 4.

**AND
WRIT PETITION NO.5180 OF 2020
WITH
CIVIL APPLICATION NO.2181 OF 2021
IN
WRIT PETITION NO.5180 OF 2020**

Lobhaji Mahadu Rewale And Another
VERSUS
The State Of Maharashtra And Others

Mr.Ghatol Patil Shahaji B., Advocate for the Petitioners.
Mr.D.R.Kale, Government Pleader for the Respondents/State
Authorities.

Mr.S.K. Kadam, Advocate for respondents 6 and 7.
Mr.V.D. Salunke, Advocate for respondent No. 9.

AND
CIVIL APPLICATION NO.6987 OF 2019
IN
WRIT PETITION NO.14118 OF 2018
WITH
WRIT PETITION NO.14118 OF 2018

Kuber Sheshrao Hulgunde
VERSUS
The State Of Maharashtra And Others

Mr. Thombre S.S., Advocate for the Applicant/ petitioner.
Mr.D.R.Kale, Government Pleader for the Respondents/State
Authorities.

Mr.N.V. Gaware, Advocate for respondent 4.
Mr.Salunke V.D., Advocate for respondent 6.

AND
WRIT PETITION NO.6102 OF 2018

Asha Rajesh Gaikwad
VERSUS
The State Of Maharashtra And Others

Mr.Thombre S.S., Advocate for the Petitioner.
Mr.D.R.Kale, Government Pleader for the Respondents/State
Authorities.

Mr.Solanke Krushna S., Advocate for respondent 7.

Mr.Suryawanshi Kamlakar J., Advocate for respondent 9.
Mr.Kadam S.K., Advocate for respondent 3.

AND
WRIT PETITION NO.7041 OF 2020

Bhagwan Shrirang Jagtap Deshmukh
VERSUS
The State Of Maharashtra And Others

Mr.Pawade Nilkanth R., Advocate for the Petitioner.
Mr.D.R.Kale, Government Pleader for the Respondents/State
Authorities.
Mr.V.D. Salunke, Advocate for respondent 5.
Mr.M.S. Deshmukh, Advocate for respondent 6.

CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.

DATE :- 04th October, 2021

Per Court :-

1. In all these petitions, the petitioners had prayed for a direction to the State Government to initiate steps for conducting elections to all Agricultural Produce Market Committees (APMC). Coupled with the said prayer, they had also put forth the prayer that a Government Officer should be appointed as an Administrator considering the scheme under the Maharashtra Agriculture Produce Marketing (Development and Regulation)

Act, 1963 and the Rules, 1967, instead of the politicians being nominated on the APMCs.

2. Shri Ghatol Patil, the learned advocate representing some of the petitioners, has placed before us a copy of the order issued by the Department of Cooperation, Marketing and Textile, Government of Maharashtra, Mumbai, dated 30.09.2021, vide which, the elections to all APMCs have been directed and the process has to start after 23.10.2021, to be completed within three months therefrom. We have taken the copy of the said order dated 30.09.2021 on record, which is marked as "X" for identification.

3. The decision of the Government in the document "X" reads as under :-

"त्याअर्थी, महाराष्ट्र कृषि उत्पन्न पणन (विकास व विनियमन) अधिनियम १९६३ मधील कलम ५९ मधील तरतुदी अन्वये प्राप्त अधिकारांनुसार शासन याद्वारे असे आदेश देत आहे की :-

१) ज्या बाजार समित्यांच्या संचालक मंडळाच्या निवडणुका नियत झाल्या आहेत त्या सर्व बाजार समित्यांच्या संचालक मंडळांच्या निवडणुकांची प्रक्रिया महाराष्ट्र राज्य सहकारी निवडणूक प्राधिकरण, पुणे यांनी दिनांक २३.१०.२०२१

नंतर सुरु करावी. तसेच मा. उच्च/ मा. सर्वोच्च न्यायालयाने निवडणूक घेण्याचे विवक्षित आदेश दिले आहेत अशा कृषी उत्पन्न बाजार समित्यांच्या निवडणुका विहित कालावधीत घेण्यात याव्यात व न्यायालयीन आदेशाचे काटेकोरपणे पालन करावे.

२) दिनांक २३. १०.२०२१ रोजी कार्यरत असलेले सर्व संचालक मंडळे / अशासकीय प्रशासक मंडळे / प्रशासक यांना, संबंधित कृषी उत्पन्न बाजार समितीच्या संचालक मंडळाची निवडणूक होऊन प्रत्यक्षात संचालक मंडळ कार्यरत होईपर्यंत किंवा दिनांक २३.१०.२०२१ पासून पुढील ३ महिने, यापैकी जे अगोदर घडेल ते, तोपर्यंत मुदतवाढ देण्यात येत आहे. तथापि, मुदतवाढ मिळाल्याच्या दिनांकापर्यंत त्यांना कोणताही धोरणात्मक निर्णय घेता येणार नाही.”

4. In view of the above, all these Writ Petitions are disposed off.

5. Needless to state, we expect the authorities to abide by the terms of the order dated 30.09.2021 reproduced above and conduct the elections accordingly. We also expect that the concerned authorities, which would now be holding the elections, would strictly abide by the directions set out in the last

sentence of paragraph 2 of the order reproduced above.

6. It goes without saying that the elections will be conducted strictly in accordance with the applicable Rules and the procedure prescribed including the APMCs depositing the election fees with the concerned Election Officers.

7. The pending Civil Applications do not survive and stand disposed off.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)