

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1270 OF 2021
IN
WRIT PETITION STAMP NO.92431 OF 2020**

Sonali Vilas Deore & Ors. ... Applicants

In the matter between

Prashant Vishwasrao Deore & Ors. ... Petitioners

V/s.

State of Maharashtra & Ors. ... Respondents

Mr.Pramod Joshi for the Applicants.

Mr.Surel Shah with Amit Sale, Mr.Sachin Gite and Mr.Drupad Patil for the Petitioners.

Dr.Kirti Kulkarni AGP for the Respondent-State.

Mr.Avinash Fatangare i/b P.D.Jadhav for Respondent Nos.5, 6, 8, 9, 12, 20 and 23.

Mr.Vishwanath Talkute for Respondent No.24.

**CORAM : UJJAL BHUYAN AND
MADHAV J. JAMDAR, JJ.**

**DATE : 17TH JULY, 2021
(THROUGH VIDEO CONFERENCING)**

P.C:-

1. Heard learned Counsel for the parties.
2. This Interim Application has been filed by the applicants seeking the following reliefs :

“(a) That on account of tenure of the impugned order dated 26.08.2020 being over on 26.02.2021, it and there being no amendment of the prayers made by the Petitioners, the above Writ

Petition and interim order dated 22.09.2020 passed by this Hon'ble Court may be held rendered infructuous and may kindly be vacated forthwith.

(b) In the alternative, pending the hearing and final disposal of the above Writ Petition, assuming that interim order dated 22/09/2020 is to be continued, the Applicants may be permitted to carry out the incidental works as been enumerated by the Applicant in Paragraph 8 to 11 of the Interim Application, on such terms as the Hon'ble Court may deem fit.

(c) Ad-interim relief in terms of prayer clauses (a) and/or (b) above may kindly be granted.

(d) Any other further prayer that may be deem fit and proper be granted.”

3. Applicants are Respondent Nos.5 to 23 in the related writ petition which has been filed by the Original Petitioners assailing legality and validity of the order dated 26th August, 2020 passed by the Assistant Deputy Registrar of Co-operative Societies, Nashik appointing new Administrative Committee comprising of the applicants to the Agricultural Produce Marketing Committee (APMC), Umrane. Be it stated that prior to 26th August, 2020, the Assistant Registrar of Co-operative Societies, Devlali, District Nashik was appointed as the Administrator and he was serving as such.

4. Allegations of the original petitioners in the writ petition is that following change of political executive in the State, the serving administrator was replaced by the State with nominated members, who are the applicants. On various grounds challenge has been made to the order dated 26th August, 2020.

5. This Court vide order dated 8th September, 2020 passed an interim order to the effect that till the next date the new appointees, as administrators of the APMC, shall not take any major financial or policy decision, but simply carry out day-to-day work of APMC, Umrane. This interim order has since been continued by this Court from time to time and is presently holding the field.

6. Mr.Joshi, learned Counsel for the applicants submits that for day-to-day functioning of the APMC, it has become necessary to make certain temporary appointments besides making some construction to facilitate activities of the APMC. This has been strongly opposed by Mr.Sale, learned Counsel for the original petitioners, who submitted that the applicants being nominated members should not be permitted to carry out such activity as that may legitimize their illegal holding of office which is under impugntment in the related writ petition. Besides, he submits that elections to Managing Committee of the APMC in question can be held expeditiously as there appears to be no impediment in holding such elections.

7. We may note that on 17th June, 2021, this Court had directed learned A.G.P to obtain instructions as to when elections to the Managing Committee of the APMC in question would be held. In the proceedings held on 13th July, 2021, Dr.Kulkarni, learned A.G.P submitted on written instructions, that elections of APMCs all over the State of Maharashtra including the APMC in question i.e. APMC, Umarane can only be held after 23rd October, 2021.

8. Submissions made by learned Counsel for the parties have been duly considered.

9. We may mention that by impugned order dated 26th August, 2020, Respondent Nos.5 to 23 were nominated as members of the Managing Committee of APMC, Umrane for a period of six months which came to an end by efflux of time on 26th February, 2021. However, in view of Covid-19 pandemic State Government issued general and special orders whereby tenure of Managing Committee of APMCs including that of the APMC in question was extended for a further period of six months vide order dated 8th March, 2021. In that view of the matter tenure of the present Managing Committee of APMC in question stands extended upto 26th August, 2021.

10. Insofar submission of Dr.Kulkarni, learned A.G.P is concerned, we find that the same is on the basis of Government Resolution dated 22nd April, 2021 which has been issued under section 59 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963.

11. Reverting back to the Interim Application, we find that interest of the applicants in the interregnum has been sufficiently protected by this Court vide order dated 8th September, 2020 whereby it was directed that the new appointees, as administrators of the APMC, could carry out their day-to-day work other than major financial or policy decision.

12. In the circumstances, we are of the view that no further order is really called for to meet any kind of contingency as pleaded by Mr.Joshi, learned Counsel for the applicants. Allowing the applicants to make appointments or to construct permanent or semi-permanent structures may not be proper that too when the tenure of nominated members is expiring on 26th August, 2021 which is about a month from now. However, within the broad framework of the order passed by this Court on 8th September, 2020, the applicants can

carry out day-to-day functioning of APMC including constructing temporary structures with tarpauline etc. so that traders are not inconvenienced during the rainy season.

13. We have also recorded the statement of Dr.Kulkarni, learned A.G.P for the State and Mr.Talkute, learned Counsel for Respondent No.24-APMC. We hope and trust that the State authorities shall do the needful to hold elections to the Managing Committee of APMC, Umrane by 31st October, 2021.

14. Interim Application is disposed of.

15. Writ Petition to be listed on 22nd July, 2021.

[MADHAV JAMDAR, J.]

[UJJAL BHUYAN, J.]