

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.983/2021

Shri Atul Gangadharrao Ganyarpwar
Ex-Director and Ex Chairman, Agriculture
Produce Marketing Committee, Chamorshi,
r/o Near Ram Mandir, Chamorshi,
Dist. Gadchiroli-442 603.

.....PETITIONER

...V E R S U S...

1. The State of Maharashtra through
its Secretary, Co-Operation, Marketing
and Textile Department, Madam Cama
Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai – 400 032.
2. Director Marketing,
Maharashtra State, Pune, Gul Tekdi,
Pune-440 037.
3. District Deputy Registrar,
Cooperative Society, Gadchiroli.
4. Shri R. T. Agade, Assistant Registrar,
Cooperative Society, Mulchera,
Taluka Mulchera, Dist. Gadchiroli
and Administrator of Agriculture
Produce Market Committee,
Chamorshi, Mulchear,
Dist. Gadchiroli.

...RESPONDENTS

Dr. Anjan De, Advocate for petitioner.
Mr. A. M. Kadukar, A.G.P. for respondent nos. 1 to 3.
Mr. R. J. Kankale, Advocate for respondent no.4.

CORAM:- V. M. DESHPANDE, J.
DATED :- 09.04.2021.

ORAL JUDGMENT

1. Rule. Rule is made returnable forthwith. Heard finally by consent of learned counsel for the parties.

2. Petitioner is represented by Dr. Anjan De, learned counsel, respondent nos.1 to 3 are represented by Mr. Kadukar, learned A.G.P. and respondent no.4 is represented by Mr.Kankale, learned counsel.

3. By this writ petition, the petitioner is challenging the order dated 19.10.2020 passed by the State of Maharashtra along with order dated 08.02.2021 passed by District Deputy Registrar, Cooperative Societies, Gadchiroli, appointing respondent no.4, who is Assistant Registrar, Cooperative Societies, Mulchera, as an Administrator of Agriculture Produce Market Committee, Chamorshi (for short the 'APMC').

4. The petitioner took charge as Chairman of the APMC, Chamorshi in view of election for the said AMPC held on 14.09.2015 and Directors, including petitioner, was appointed as Chairman on 26.09.2015. The tenure of AMPC is of five years.

Admittedly, tenure was to end on 25.09.2020. According to the petitioner, in view of pandemic situation, State Government has decided to extend tenure of APMCs. Therefore, a representation was made on behalf of the petitioner for giving an extension. It is the submission of learned counsel for petitioner that on 19.10.2020, the State refused to extend tenure while exercising powers under Section 14 (3) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 and consequent to that, respondent no.3 passed an order on 08.02.2021 appointing respondent no.4 as an Administrator. He submitted that there is no dispute that the Administrator has already taken over the charge.

5. It is the submission of Dr. De, learned counsel for petitioner, as stated in paragraph 9 of the petition, that in the cases of several APMCs, such as Pathri, District Parbhani, Sonpeth, District Parbhani and Parola, District Jalgaon, the State Government has extended the tenure of the APMC while exercising the powers. Dr. De further submitted that a bunch of petitions was filed before Aurangabad Bench of this Court vide Writ Petition No.5164/2020 and others and Division Bench

(Coram: S.V.Gangapurwala and Shrikant D. Kulkarni, JJ.) decided those petitions. In those writ petitions also, a contention was raised by the petitioner that the State has adopted pick and choose approach and granted extension to some of the APMCs and denied the said though sought for by the petitioner herein. Dr.De, submitted that the Division Bench allowed the writ petitions by setting aside order of appointment of Administrator and directed the State to take a decision afresh on the proposal of extension of Board of Directors submitted by those petitioners.

6. Mr. Kadukar, learned A.G.P. tenders an original communication received by him from Deputy Secretary, Government of Maharashtra dated 08.04.2021, which is taken on record and marked as 'Exh.-X' for the purpose of identification. Mr. Kadukar, learned A.G.P., on instructions and on the basis of communication (Exh.-X), submits that this writ petition can be disposed of if the petitioner files fresh proposal for extension of tenure of Board of Directors of APMC, Chamorshi and if such a proposal is submitted, it will be considered in the light of the judgment of the Division Bench.

7. Dr. De, learned counsel for the petitioner, submitted that he has instructions from the petitioner that the petitioner will move a fresh proposal seeking extension of Board of Directors of the APMC with the State Government within a period of 10 days from today. He submits that on such a proposal being made, the State shall be directed to decide it within a stipulated time.

8. In view of the aforesaid, the writ petition is disposed of with following directions.

ORDER

(i) It shall be open for the petitioner herein to file fresh proposal with the State Government seeking extension of Board of Directors of APMC, Chamorshi within a period of 10 days from today.

(ii) Order dated 19.10.2020 passed by State Government and the order dated 08.02.2021 passed by respondent no.3 is hereby quashed and set aside.

(iii) If a proposal is submitted within a period of 10 days from today, the State Government is directed to decide the same, in accordance with law, within a period of 10 days from its submission.

(iv) Till the proposal is decided afresh, respondent no.4, who is a Government Officer, is permitted to look after the day-to-day functioning of the APMC, Chamorshi

as an interim measure. It is expected that he shall not take any major decision.

(v) Mr. Kadukar, learned A.G.P. shall inform this order to the State Government and Mr. Kankale, learned counsel shall inform this order to respondent no.4.

With these directions, the writ petition is disposed of.

JUDGE

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