

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

Writ Petition No. 2503/2020

Vilas Tryambakrao Chopde and ors.

...Petitioners

Versus

The State of Maharashtra and ors.

...Respondents

Shri H.S. Chitaley, Advocate for the Petitioners

Shri Amit Madiwale, AGP for the Respondent Nos. 1 to 5 - State

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 24 FEBRUARY 2021

P.C.:

The main argument of the Petitioners is that though there may not be a right in law to insist upon continuation as elected representatives of the Agricultural Produce Market Committee, when the State Government exercises its power under the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 to grant extension or refuse the same, it should not act in a discriminatory manner.

2. Admittedly, discretion is conferred on the Authority. Because different actions have been taken per se cannot mean that there is discrimination, as by very nature of exercise of discretion such results are contemplated. To demonstrate discrimination as a ground of challenge, the petitioners must plead specifics, and cannot resort to fishing enquiry based on bald pleadings.

3. The Petition contains no pleadings to substantiate the charge of discrimination. The learned Counsel for the Petitioners accepts that at present there is no material in possession of the Petitioners to impute discrimination and seeks liberty to file a fresh Petition.

4. We disapprove filing of such a Petition without pleading necessary particulars. Such a Petition ought not to have been filed in the first place.

5. By way of indulgence, Writ Petition is disposed of with liberty as prayed for. Only out of indulgence, we have not imposed costs in this Petition.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]