

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

Writ Petition No. 3442/2020

Shri Moreshwar s/o Nanaji Patre

...Petitioner

Versus

The State of Maharashtra and ors.

...Respondents

Shri C.R. Sharma, Advocate for the Petitioner

Shri Amit Madiwale, AGP for the Respondent Nos. 1 to 3 - State

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

DATED : 24 FEBRUARY 2021

P.C.:

In this Petition and others, we had passed the following order
on 12 January 2021:

“Heard the learned counsel for the parties.

2. *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.*

3. *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 petitioner must plead specifics, and cannot resort to fishing enquiry based on bald pleadings.*

4. *As regards the pleadings in this petition to substantiate the charge of discrimination, they are too general in nature.*
5. *The learned Senior Advocate appearing for the Petitioners submits that leave may be granted to place on record details in support of the assertions.*
6. *Leave for that purpose is granted.*
7. *Stand over to 27 January 2021.*
8. *Amendment to be carried out before the next date.”*

2. Thereafter, the Petition was adjourned from time to time at the request to enable the Petitioner to amend the Petition. By order dated 10 February 2021, we had observed that if no amendment is carried out, it will be presumed that the Petitioners have no particulars in support of the case of discrimination.

3. No amendment is carried out. The learned Counsel for the Petitioner accepts that at present there is no material in possession of the Petitioner 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. There is no interim relief operating at present. We dispose of the Writ Petition with liberty as prayed for. Only out of indulgence, we have not imposed costs.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]