

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 WRIT PETITION NO.4750 OF 2022

DEEPAK SHIVRAM PATARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr. V. D. Hon, Senior Counsel i/b Mr. A. V. Hon,
Advocate for the petitioners
Mr. S. B. Yawalkar, AGP for the respondents/State
Mr. V. H. Dighe, Advocate for the respondent No.2

CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.

DATE : 13th June, 2022

P. C.

1. On 06-06-2022, we had passed the following order.

“1. The petitioners in these bunch of petitions have prayed for writ of certiorari to quash and set aside the order dated 19-04-2022 passed by the State Government, Co-operation, Marketing and Handloom Department, Mantralaya, Mumbai and also prays for writ of mandamus to the respondent Nos. 2 and 3 to forthwith initiate further steps for conduct of election of Agriculture Produce Market Committee, Shrirampur and other districts.

2. Mr. Hon, learned senior counsel invited our attention to Section 15-A of the Maharashtra Agriculture Produce Market and Development Regulation, 1963 and

also to the communication /order dated 19-04-2022 annexed at Exh.B to the petition and would submit that though the petitioner has impugned the order dated 19-04-2022, the petitioner does not press prayer clause-B and only prays for prayer clause-C. Statement is accepted.

3. The learned counsel for the respondent No. 2 prays for time to make a statement as to when elections of the Agriculture Produce Market Committee would be held on the next date. Statement is accepted. Place the matter under caption 'for direction' on 13-06-2022.

4. Till the next date, authorized officer already appointed by the respondents of the affairs of these Agriculture Produce Market Committee to continue and shall not be changed by the respondents."

2. The learned Advocate representing the election authority indicates to us that in so far as the elections to the Vividh Karyakari Seva Sahakari Sanstha (hereinafter referred to as the 'Societies') falling within the Agriculture Produce Market Committee, Shrirampur, 70 Societies had to undergo election. Elections in 65 societies have been held. In 2 Societies, the elections' process is started. 2 societies are ineligible and 1-society is under an administrator.

3. Therefore he submits, on instructions, that the moment the elections to these societies is completed, the process for holding elections to the APMC, Shrirampur would be commenced around the first week of July, 2022 and would require four months to complete such elections.

3. The learned Senior Advocate submits that after this court applied it's mind to these matters, a direction has been issued in paragraph No.4 of the order dated 06-06-2022 and the same needs to be continued in the interest of justice.

4. Having heard the respective sides, this petition is disposed off by continuing the directions set out in paragraph No.4 of our order dated 06-06-2022 with further directions that the elections to the APMC, Shrirampur would be completed

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on or before 30-11-2022, unless interjected by any legal impediment.

5. In so far as the continuation of the order in paragraph No.4 reproduced above, we permit the authorities to make an alteration only if the authorized officer already appointed, demits office or is transferred and such officer will be replaced by an Officer of an equal rank.

[ANIL L. PANSARE, J.]

[RAVINDRA V. GHUGE, J.]

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