

WRIT PETITION NO. 6654 OF 2022

Versus

The State of Maharashtra & others Respondents

DATE : 30th JUNE, 2022.

PER COURT :

1. We have considered the submissions of the learned Advocate for the petitioners and the learned AGP on behalf of respondent Nos. 1 to 3.

2. The petitioners' grievance is limited to the powers of respondent No. 2. Respondent No. 2 has already directed the APMC to initiate action under Rule 6(4) of the APMC Rules, 1967. Despite the directions communicated to the APMC by the District Deputy Registrar Co-operative Societies, in the light of the order of

respondent No. 2, dated 15th December, 2021, the APMC has not reacted. The petitioners' grievance is that in this situation, respondent No. 2 can exercise his powers under Section 8(2) which read as under :-

8. Power to cancel or suspend licences :

(2) Notwithstanding anything contained in sub-section (1), but subject to the provisions of sub-section (3), the Director may, for reasons to be recorded in writing by order suspend or cancel any licence granted or renewed under this chapter.

3. We find that Sub-Section 3 of Section 8 mandates respondent No. 2 to give a reasonable opportunity of hearing by issuing a show cause notice to the person whose licence is to be suspended or cancelled.

4. The petitioners, therefore, contend that respondent No. 2 has refused to exercise powers duly vested in it by law and hence a writ of mandamus under Article 226 of the Constitution of India will have to be issued to direct the authority to exercise the jurisdiction duly vested in it by law.

5. In view of the above, this petition is disposed off with a direction to respondent No. 2 to exercise his powers under Section 8 and especially sub-sections 2 and 3, with regard to the decision arrived at under Rule 6(4) of the APMC Rules, 1967. We expect the exercise to be completed on or before 15th September, 2022.

(ANIL L. PANSARE)
Judge

(RAVINDRA V. GHUGE)
Judge

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