

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 WRIT PETITION NO.5774 OF 2022

THE CHAIRMAN AGRICULTURAL PRODUCE MARKET COMMITTEE
THROUGH SANDEEP BHUJANGRAO GORE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr. S. S. Thombre, Advocate for the petitioners
Mr. D. R. Kale, AGP for the respondents/State

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

DATE : 13th June, 2022

P. C.

1. Leave to delete the names of respondent
Nos. 4 and 5. Deletion to be carried out forthwith.

2. By this petition, the petitioners seek to
challenge the letter dated 23-05-2022, by which the
petitioners are called upon by respondent No. 3 to
show cause as to why action should not be initiated
under the Agriculture Produce Market Committee Act.

The grievance is that circumstances and the contents of the enquiry report on which action is likely to be taken against the petitioners, has already been a subject matter of adjudication early.

3. Issue notice to the respondents. The learned AGP waives service of notice for all the respondents. He submits that this petition need not be entertained as the petitioners have approached this court purely as against the show-cause-notice and this court ought not to step into the shoes of the competent authority which is empowered to decide as to what action is to be initiated after considering the detailed reply of the petitioners. He submits that earlier action that was undertaken with regard to enquiry report from page No. 129 dated 28-03-2022, was on account of different factors. Nevertheless, the petitioners can raise all their contentions before respondent No.3 including

the contention that there is a chance of double jeopardy.

4. In view of the above, this petition is disposed of with the following directions:

ORDER

a] The petitioners shall tender their detailed written explanation to respondent No.3 authority in response to the impugned notice dated 23-05-2022, on or before 30-06-2022.

b] Thereafter, respondent Nos. 4 and 5 shall consider the grounds putforth by the petitioners including the contention that they are likely to be punished twice for the same purported misconduct/misdemeanor and pass a reasoned order on or before 21-

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07-2022. Copies of the order shall be kept ready to be delivered to the petitioners and the parties concerned, by 03.00 pm on 21-07-2022.

c] In the event respondent Nos. 4 and 5 decide to conduct fresh enquiry under the rules, they shall ensure that they would refrain from causing an enquiry with regard to those allegations against the petitioners which have already been dealt with by the earlier report dated 28-03-2022, in which these petitioners have been exonerated.

d] In the event an enquiry is conducted by respondent Nos. 4 and 5 on the issues which were not earlier dealt with in the earlier enquiry, they are at liberty to draw an

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inference on the material available and supply a copy of the report to the petitioners expeditiously.

e] The petition stands disposed off accordingly.

[ANIL L. PANSARE, J.]

[RAVINDRA V. GHUGE, J.]

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