

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8688 OF 2021

Raosaheb Shivajirao Deshmukh & another

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr. Sachin S. Deshmukh, advocate for the Petitioners.

Mrs. M. A. Deshpande, AGP for Respondents No. 1 & 2.

Mr. R. K. Ingole, advocate for Respondent No. 3.

Mr. D. M. Shinde, advocate for Respondents No. 4 to 7 & 9 to 19.

CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.

DATE : 14 June, 2022.

PC :

By this petition, under Article 226 of the Constitution of India, the petitioners have sought following substantive reliefs :

{i} By issuing a writ of mandamus or any other appropriate writ, order or direction in the like nature, it be directed to the respondent No.1 and 2 to forbear the

respondent No.4 to 19 from taking any policy decision in any manner in the wake of Clause 2 of the Government Order dated 22/4/2021; and for that purpose issue necessary directions.

{ii} To hold and declare that, the respondent No. 4 to 19 are ineligible and disqualified forthwith from officiating the office of APMC, Nanded with further direction to quash and set aside the proposal dated 10/7/2021 with further directions to quash and set aside the communication dated 10/7/2021, 23/8/2021 & 24/8/2021 issued by the respondents herein; and for that purpose issue necessary directions.

{iii} During pendency and final hearing of the present Writ Petition forbear the respondent no. 4 to 9 from officiating the office of APMC, Nanded and further forbearance from conducting/holding any meeting, more particularly scheduled meeting dated 3/9/2021; and for that purpose issue necessary directions.

2 We have heard the learned Counsel for the parties and perused record. It transpires during the course of the hearing that Respondents No. 4 to 9 have already ceased to be the Directors of the Agricultural Produce Market Committee, Nanded and an Administrator is appointed on the said Committee. In such circumstances, the substantive prayer clause {i}, as referred to above, does not survive.

3 The learned A. G. P. has pointed out that the District Deputy Registrar of Co-operative Societies, Nanded, has also initiated action under Section 40(b) of the Maharashtra Agricultural Produce Marketing (Development and Regulations) Act, 1963 and a Three Member Committee is constituted on 31.03.2022. The learned A. G. P. points out that by letter dated 18.05.2022, the District Deputy Registrar has asked the Three Member Committee to expedite the inquiry report. It also transpires that as per the report submitted by the District Deputy Registrar to the Director of Marketing, Maharashtra State, Pune on 12.11.2021, the District Deputy Registrar has found that the petitioners, even after expiry of their tenure, have taken a decision to allot five tenements, which was a policy decision and was against the relevant provisions pertaining to allotment of such tenements.

4 Mr. Deshmukh, the learned Counsel for the petitioners, has referred to an earlier communication dated 11.03.2021. He submits that the concerned authorities, including the District Deputy Registrar and the Director of Marketing, may be directed to hold the inquiry expeditiously in accordance with Sections 50 and 53 of the said Act.

5 We have carefully considered the circumstances and the submissions made. As noticed earlier, in view of the fact that Respondents No. 4 to 19 have ceased to be the Directors of the Agricultural Produce Market Committee, Nanded and an Administrator is appointed, the principal prayers in the petition, in our considered view, do not survive. Insofar as the irregularity in the allotment of five tenements is concerned, (as found by the District Deputy Registrar, Co-operative Societies, Nanded), already the matter is under consideration of the concerned authorities including the Director of Marketing, Maharashtra State, Pune. We hope and trust that the Director of Marketing shall take the said inquiry to its logical end and shall pass appropriate orders, as may be necessary, in accordance with law. We, however, make it clear that we have not examined the correctness of the report submitted by the District Deputy Registrar, Co-operative Societies, Nanded.

6 In the circumstances, the petition is disposed of in the
aforesaid terms with no order as to costs.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.

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