

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

961 WRIT PETITION NO.8808 OF 2022

SHIVAJI LAXMANRAO SHINDE  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND  
OTHERS

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Advocate for Petitioner : Mr. V.D.Sapkal (Senior Counsel) i/by Mr.Sapkal  
Sandip R.

AGP for Respondent Nos. 1, 3, 4 and 5-State : Mr.S.N.Kendre

Advocate for Respondent No. 2 : Mr. V.D. Hon (Senior Counsel) i/by  
Mr.Hon Ashwin V.

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CORAM : SANDEEP V. MARNE, J.

DATE : 18.10.2022.

PER COURT :

1. An order came to be passed in favour of respondent No. 2 by the Minister, Cooperation on 20.11.2018, allowing his revision petition and setting aside the resolution of APMC dated 03.08.2017 and order of the Director of Marking dated 17.03.2017. In paragraph No. 3 of that order, the APMC was directed to the renew the license of respondent No. 2 within a period of 2 months and to permit him to retain the possession of the unit. The APMC filed Writ Petition No. 13934 of 2018 challenging the decision of the Minister dated 20.11.2018 in which following order came to be passed :

“1. The learned Counsel for respondent No. 2, the contesting respondent, seeks time to file reply affidavit. At his request stand over to 15<sup>th</sup> January, 2019.

2. In the meanwhile, no coercive steps be taken against petitioner-Agricultural Produce Market Committee,

based on 'Clause 3' of the impugned order."

2. Despite paragraph No. 3 of the Minister's order dated 20.11.2018 being virtually stayed, the Director of Marking issued a communication dated 4<sup>th</sup> August, 2022 directing the APMC to undertake an exercise of renewal of license of Respondent No. 2.

3. Petitioner, who is an ex-chairman of APMC is aggrieved by the communication dated 04.08.2022 and according to him a direction is in the teeth of the order passed by this Court dated 17.12.2018 in Writ Petition No. 13934 of 2018. By ad-interim order dated 24<sup>th</sup> August, 2022, this Court has stayed the communication dated 04<sup>th</sup> August, 2022.

4. Now the Director of Marking has issued a communication dated 14<sup>th</sup> September, 2022 directing APMC not to act on the impugned communication dated 04<sup>th</sup> August, 2022.

5. Thus the very letter dated 04<sup>th</sup> August, 2022 of Director of Marketing is directed not to be implemented vide communication dated 14<sup>th</sup> September, 2022. Therefore the impugned communication dated 04<sup>th</sup> August, 2022 would no longer survive and in that sense, cause of the Petitioner has come to an end and the present petitioner is actually worked out.

6. Accordingly, the Writ Petition is disposed of in terms of the above observations, leaving open all the points of respective parties open to be raised in appropriate proceedings.

**( SANDEEP V. MARNE )**  
**JUDGE**

mahajansb/