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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

916 WRIT PETITION NO.9087 OF 2022

**ASARAM WAMANRAO NIRMAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

....

Mr Mahesh Deshmukh, Advocate h/f Mr R. J. Nirmal, Advocate
for petitioner;
Mr D. R. Kale, G.P. for respondents/State
Mr S. K. Kadam, Advocate for respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 7th September, 2022

PER COURT:

1. The petitioner has put forth prayer clauses (B), (C) and (D),
which read as under :-

B) By way of allowing present writ petition, the order dated 25.08.2020 passed by respondent No. 2 may quash and set aside and it may be directed to the respondent no. 2 to appoint the Administrator over the respondent No. 6 APMC;

C) It may be directed to respondent no. 3 to conduct the election of respondent No. 6 APMC;

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D) During pendency of present writ petition, it may be directed to respondent authorities to appoint administrator on respondent No. 6 APMC;”

2. The learned Advocate representing respondent No.3 – State Co-operative Election Authority, Maharashtra State, Pune, has placed before us a Circular dated 06/09/2022 (05 pages), which is marked as ‘X-1’ collectively for identification. From the said Circular, he points out, that the State Government has decided to conduct elections with regard to 281 Agricultural Produce Market Committees (for short ‘APMCs’) in the State of Maharashtra, where the elections were postponed on account of some reasons. The election programme has already been disclosed and would commence from 27/09/2022 and would conclude with the polling on 29/01/2023, followed by the counting of votes on 30/01/2023 and the declaration of the results. He, therefore, submits that, the prayer of the petitioner to the extent of Clause (C) is taken care of.

3. The petitioner is aggrieved by an ex-parte ad interim order dated 25/08/2020, passed by the Hon’ble Minister, Co-operation and Marketing, in APP-0820/Pr.Kr.89/11-S., which is registered as Appeal Application No.10/2020, which was filed under Section 52(B) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963.

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4. We find that two years have lapsed pursuant to the ex-parte ad interim order. After the passage of two years, we do not find it fruitful to go into the controversy raised by the petitioner. Instead, the pending appeal before the Hon'ble Minister could be directed to be decided within a time frame.

5. The learned Advocate for the petitioner submits that, the petitioner has not been arrayed in Appeal No.10/2020, which is pending before the Hon'ble Minister. We are of the view that the petitioner can move an application for intervention and address the Hon'ble Minister in the said proceedings.

6. As such, this petition is disposed off.

7. We direct that the Hon'ble Minister, respondent No.2, would issue notices to the litigating parties in Appeal No.10/2020, within a period of ten days from today. The returnable date in the matter would be between 26/09/2022 and 30/09/2022. Needless to state, if the petitioner moves an application for intervention, the same would also be considered in the said Appeal, on its own merits and we do not express any opinion as regard the merits of the said application. Considering the controversy and the

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elections having been declared, we expect the Hon'ble Minister to decide the said proceedings, on or before 21/10/2022.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

sjk