

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9869 OF 2022

DATTRAO LALUJI MOHITE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

...
Advocate for the Petitioner : Shri Ghatol Patil Shahaji B.
G.P. for the Respondents/State : Shri D.R. Kale
Advocate for Respondents 7 and 8 : Shri S.K. Kadam
...

CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.

DATE :- 30th September, 2022

Per Court :-

1. The petitioner has put forth prayer clauses B to E as
under :-

- “B) *By issuing Writ of Mandamus or orders or any other Writ in the nature of Writ of Mandamus, the respondent No.7 and 8 may kindly be directed to hold the elections of respondent No.9 Market Committee within its extended term up to 16.01.2023 and take all necessary steps to enter newly elected Board of Directors over the respondent No.9 Market Committee;*
- C) *By issuing Writ of Mandamus or orders or any other Writ in the nature of Writ of Mandamus, the respondent Nos.1 and 2 may kindly be directed to continue the extension order dated 14.06.2022 till extended period i.e. 16.01.2023*

or till newly elected body enters the office whichever is earlier and respondent Nos.1 and 2 may kindly be restrained from appointing administrative committee of private individuals over the respondent No.9 Market Committee and not to curtail the extended term of the Board of Directors as per extension order dated 14.06.2022 issued by Government of Maharashtra and for that purpose issue necessary orders;

D) Pending hearing and final disposal of this Writ Petition, the respondent Nos.1 and 2 may kindly be directed to continue the extension order dated 14.06.2022 passed by respondent No.2 till extended period i.e. 16.01.2023 or till newly elected body enters in the office of respondent No.9 Market Committee, whichever, earlier and for that purpose issue necessary orders;

E) Pending hearing and final disposal of this Writ Petition, the respondents may kindly be restrained from appointing the administrative committee of private individuals over the respondent No.9 Market Committee and for that purpose issue necessary orders;”

2. While addressing the Court, the learned advocate for the petitioner brings to our notice that the extended term of this Committee is upto 15.01.2023.

3. This Court has concluded in ***Ankush Taterao Aher Vs. The State of Maharashtra Through its Secretary and others***, Writ Petition No.7681/2022 decided on 22.07.2022, that maximum one year extension of tenure can be granted by the

competent authority under Section 14(3) or Section 59 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963. Considering the law laid down by the Honourable Supreme Court in Petition for Special Leave to Appeal (C) No.4628/2022 (*Dari Vivid Karyakari Sahakari Sanstha Maryadit and others vs. State of Maharashtra and others*), decided on 15.03.2022, it is crystal clear that there cannot be one extension for one year under Section 14(3) and another extension for one year under Section 59. Only one extension is permissible. The learned advocate for the petitioner, therefore, submits that the petitioner would not ask even for one day beyond 15.01.2023.

4. Shri Kadam, the learned advocate representing the Election Authority, draws our attention to the election programme, which is disclosed by the communication dated 06.01.2022 at page 44. The polling is scheduled on 29.01.2023 and the counting of votes and results would occur on 30.01.2023.

5. In view of the above, this Writ Petition is disposed off.

6. The State Government is at liberty to appoint a government officer as an Administrator for the period 15.01.2023

till the results of the elections on 30.01.2023 or till handing over of the charge to the newly elected body.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)