

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 WRIT PETITION NO.12465 OF 2022

RAM BHARATRAO SOLANKE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

AND
947 WRIT PETITION NO.12472 OF 2022
WITH CA/16424/2022 IN WP/12472/2022

SUDHIR VASANTRAO SHINGARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

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Advocate for Petitioners in both WPs : Mr. Thombre Bhagwan V.
GP for the respondent – State : Mr. D.R.Kale
Advocate for the respondents no. 3 and 4 : Mr. V.H. Dighe (WP/12465/2022)
and Mr. S.K. Kadam (WP/12472/2022)
Advocate for intervenor : Mr. L.H. Kawale h/f. Mr. K.J. Suryawanshi

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**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 8 DECEMBER 2022

PC :

Heard learned advocate for the petitioners.

2. The petitioners are seeking to derive the benefit of the State Government decision in the form of an Ordinance no. XI issued on 22-11-2022 thereby making all the farmers eligible to contest the elections for the Managing Committee of Agricultural Produce Market Committee (**APMC**).

3. Learned advocate for the petitioners submits that pursuant to the Government decision, the petitioners are interested in participating in the election but the process for holding the elections of the respondents nos. 5 and 6 – APMC is underway and that may be postponed to enable the petitioners to participate.

4. Learned advocates Mr. Kadam and Mr. Dighe who appear for respondents nos. 3 and 4 – State Co-operative Election Authority and the District Election Officer submit that the process for holding the elections has already begun. The symbols were to be allotted today i.e. 08-12-2022 and only the voting has remained to take place which is scheduled on 16-12-2022.

5. True it is that this Court in some other matters by referring to the self-same ordinance being relied upon by the petitioners, has on a request made by the petitioners or State Co-operative Election Authority or the State Government has extended the time limit within which they were supposed to hold the elections of the APMCs in view of the orders passed by this Court from time to time. However, it is pointed out by the learned Government Pleader as also Mr. Kadam and Mr. Dighe that in all those matters, the programme of holding the elections was still to be published which is not the fact and circumstance in the matter in hand.

6. It is trite that no interference can be caused in the ongoing election process, particularly when it is at such an advanced stage where there is no possibility of the petitioners participating in the ongoing APMC elections.

7. The petitions are dismissed.

8. Pending civil application is disposed of.

[Y. G. KHOBRADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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