

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1774 OF 2022

Sheikh Javed Sheikh Hussain Kadri,
aged about 35 years, Occupation :
Business, R/o Mankarna Plot,
Akola, Tq. and Distt. Akola.

.... **PETITIONER**

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1. State of Maharashtra, through
Agricultural Product Market
Committee, Akola.
2. The Secretary, Agricultural Produce
Marketing Committee, Akola, Tq.
and Distt.Akola.
3. Ajay Traders, (Registered) Through
Proprietor Ajay Bhimrao
Chincholkar, Aged about 43 years,
Occ. Business, R/o Shop No.24,
A.P.M.C. Market Yard, Akola, Tq. and
Distt. Akola.
4. Jain Trading Company, (Registered)
Through Proprietor Ajay Ramkumar
Ajmera, Aged about 45 years. Occ.
Business, R/o shop No. 15, A.P.M.C.
Market Yard, Akola, Tq. and Distt.
Akola.
5. Arihant Trading Company,
(Registered) Through Proprietor
Shantilal Shrikrushna Jain, Aged
about 72 years, Occ – Business, R/o
Shop No. 13, A.P.M.C. Market Yard,
akola, Tq. & Distt. Akola.
6. Satyajeet Traders, (Registered)
Through Proprietor Pralhadrao
Gulabrao Deshmukh, Aged about 90

years, Occ. - Business, R/o Shop No. 21, A.P.M.C. Market Yard, Akola, Tq. and Distt. Akola.

7. Pundlik Traders, (Registered)
Through Proprietor Prashant
Prlahadrao Deshmukh, Aged About
40 years, Occ – Business, R/o Shop
No. 21, A.P.M.C., Market Yard,
Akola, Tq. and Distt. Akola.
8. Ashirwad Trading Company,
(Registered) Through Proprietor
Atul Mohanrao Rathod, Aged about
31 years, Occ – Business, R/o Shop
No. 60, A.P.M.C., Market Yard,
Akola, Tq. and Distt. Akola.
9. Hanuman Trading Company
(Registered), through Proprietor
Vitthaladas Mangalchand Rathi, Aged
About 80 years, Occ. - Business, R/o
Shop No. 53, A.P.M.C. Market Yard,
Akola, Tq. and Distt. Akola,
10. Mankar & Sons (Registered)
Through Proprietor Bhaskar
Jagganath Mankar, aged about 50
years, Occ. - Business, R/o Shop No.
28, A.P.M.C., Market Yard, Akola, Tq.
and Distt. Akola.
11. Roshan Trading Company
(Registered) Through Proprietor Anil
Kantilal Jain, Aged about 43 years,
occ. - Business, R/o Shop No. 42,
A.P.M.C. Market Yard, Akola, Tq. and
Distt. Akola.
12. A.M. Shingrup, (Registered)
Through Proprietor Arun Madhukar
Shingrup, Aged about 65 years, Occ.
Business, R/o Shop No. 10, A.P.M.C.
Market Yard, Akola, Tq. & Distt.
Akola.
13. Malani Trading Company,

(Registered) Through Proprietor
Amar Kamalkishor Malani, Aged
about 43 years, Occ – Business, R/o
Shop No. 15, A.P.M.C., Market Yard,
Akola, Tq. and Distt. Akola.

.... **RESPONDENTS**

Shri K.H. Anandani, Advocate for the petitioner.
Shri R.D. Bhuihar, Advocate for respondent no. 2.

CORAM : ROHIT B. DEO, J.
DATED : 31.03.2022

ORAL JUDGMENT :

Heard. **RULE.** Notice to private respondents is dispensed with.
With consent, the petition is heard finally.

2. The petitioner has handed over the possession of the shop block allotted to him when he was holding the license, to the Market Committee.

3. The petitioner has preferred Civil Suit in the Court of Civil Judge, Junior Division, Akola seeking cancellation of the orders dated 17.06.2021 and 01.07.2021, whereby the two licenses were cancelled. The application seeking injunction was rejected by the Trial Court and the petitioner has preferred an appeal, which is pending. The grievance of the petitioner is that the request for *ex-parte* injunction was not considered and notice was issued, which is returnable on 12.04.2022.

4. This Court expects the Appellate Court to finally decide the appeal, within the 30 days from the date of service on all the respondents.

5. It is further clarified that the delivery of possession by A.P.M.C. of the shop block vacated, shall be subject to the order passed in the civil litigation and if the A.P.M.C. intends to allot the said shop block to any person, the allottee shall be made aware in writing, of the pendency of the litigation and that the allotment of the shop, shall be subject to the order, which may be passed, by the Civil Court.

6. An undertaking shall be obtained by the A.P.M.C. from such allottee to immediately vacate the shop block, if there is any order of the Civil Court in favour of the petitioner regarding the two licenses, which are cancelled.

7. The petition is disposed of in the afore-stated terms.

(ROHIT B. DEO, J.)

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