

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

WRIT PETITION NO. 2370 OF 2020

(Mohd. Imtiyaz s/o Mohd. Usman Vs. Agricultural Produce Market Committee, APMC, thr.
its Secretary & Anr.)

WITH WRIT PETITION NO. 2130 OF 2020

(Mohd. Shamim w/o Mohd. Zakir Vs. State of Maharashtra & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

WP 2370/2020

Mr. Ashok Raghute, Advocate for the petitioner.
Mr. V.M. Gadkari, Advocate for respondent No.1.
Ms. K.R. Deshpande, A.G.P. for respondent No.2/
State.

WP 2130/2020

Mr. S.G. Karmarkar, Advocate for the petitioner.
Ms. K.R. Deshpande, A.G.P. for respondent No.1/
State.
Mr. V.M. Gadkari, Advocate for respondent No.2.
Mr. A.P. Raghute, Advocate for respondent No.3.

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CORAM : A.S. CHANDURKAR AND
URMILA JOSHI - PHALKE, JJ.
JUNE 13, 2022

In these Writ Petitions, the order passed by the Secretary, Agricultural Produce Market Committee, Nagpur dated 03/12/2019 is under challenge.

2] It is the case of the petitioner in Writ Petition No. 2130/2020 that he was issued a license by the Market Committee for trading of vegetables in the market yard.

3] It appears that there was a partnership deed executed on 17/08/2015 between the petitioners in Writ Petition Nos. 2130/2020 and 2370/2020. A document of power of attorney was also executed between the parties. On disputes arising between them, the petitioner in Writ Petition No. 2130/2020 approached the Secretary of the Market Committee with a prayer to permit him to conduct business by evicting the other petitioner. The Secretary held that since there was a dispute between the parties, they will have to approach the Competent Court for resolving their dispute.

4] On hearing the learned Counsel for the parties, we find that the Secretary of the Market Committee was justified in directing the parties to approach the Civil Court, since it was not possible for the Secretary to adjudicate such dispute. Such jurisdiction is not conferred on the Secretary, and we therefore, find that there is no reason to interfere with the order passed by the Secretary on 03/12/2019.

5] Both these Writ Petitions are therefore disposed of by granting liberty to the petitioners to approach the Civil Court for adjudication of their inter se dispute. After such dispute resolved or appropriate orders are passed by the Civil Court, the

Secretary of the Market Committee is free to take necessary steps in that regard.

JUDGE

JUDGE

Sumit