

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

1 WRIT PETITION NO.4637 OF 2023

**SHAMSHUDDIN GUDDULAL JAMADAR
VERSUS
THE DISTRICT ELECTION OFFICER APMC AND DISTRICT
DEPUTY REGISTRAR AND ANOTHER**

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Advocate for Petitioner: Mr. Mali Dayanand S.
Advocate for Respondents No.1&2: Mr. S. K. Kadam

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CORAM: ARUN R. PEDNEKER, J.

DATE: 20th APRIL, 2023

PER COURT:

1. Heard.

2. The petitioner contends that he owns 10 Are of land. The certificate given by the Tahsildar indicates that the father of the petitioner is holding more than 10 Are of land, however there is no certificate issued in the name of the petitioner that he owns minimum 10 Are of land as per requirement of Rule 9 Sub-rule 1 proviso of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017 which is quoted below:-

"Provided that, for the purpose of contesting election under clause (a) of sub-section (1) of section 13, the candidate shall hold minimum 10R of agricultural land in the market area and must have sold his notified agricultural produce at least three times in the preceding five market years before the date of declaration of election in the market area and it shall not be required that his name appears in the Voters' list:

Provided further that, the qualification specified in the above proviso for the purpose of contesting election under clause (a) of sub-section (1) of section 13, regarding sale of notified agricultural produce shall not be applicable in any election conducted during the period of five market years from the date of commencement of the Maharashtra Agricultural Produce Market Committee (Election to Committee) (Second Amendment) Rules, 2023."

3. In view of the same, it would not be appropriate to interfere in the order passed by the returning officer. The petitioner is permitted to raise all the grounds in the election petition.

4. The Writ Petition is disposed of.

[ARUN R. PEDNEKER, J.]