

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

18 WRIT PETITION NO.4999 OF 2023

ANIL SAKHARAM NAKHATE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. D.A. Mane h/f. Mr. N.R. Pawade
AGP for Respondent/State : Mr. K.B. Jadhavar
...

**CORAM : ARUN R. PEDNEKER, J.
DATED : 02/05/2023**

PER COURT :

1. Heard the learned counsel for the petitioners.
2. By way of present writ petition, the petitioners are challenging the order of inquiry under section 40 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963. Section 40 relates to inquiry. The stage at which the petitioner would be heard is yet to come. Section 40 of the APMC Act is as under :-

"40. Inspection, inquiry, submission of statements, etc.-

The Director or any officer authorised by him by general or special order in this behalf, may-

(a) inspect or cause to be inspected the accounts and officers of a Market Committee;

(b) hold inquiry into the affairs of a Market Committee;

(c) call for any return, statement, accounts or report which he may think fit to require such committee to furnish;

(d) require a Committee to take into consideration-

(i) any objection which appears to him to exist to the doing of anything which is about to be done or is being done by or on behalf of such Committee' or

(ii) any information he is able to furnish and which appears to him to necessitate the doing of a certain thing by such Committee.]

and to make a written reply to him within a reasonable time stating its reasons for doing, or not doing such thing;

(e) direct anything which is about to be done or is being done should not be done, pending consideration of the reply and anything which should be done but is not being done within such time as he may direct."

3. Section 40 contemplates that the director or any officer authorised by him may inspect the accounts of a Market Committee or hold inquiry into the affairs of a Market Committee and call for any return, statement, accounts or report and to make a written reply to him within a reasonable time stating its reasons for doing.

4. At this stage, the proceedings are only at the preliminary stage and only inquiry is contemplated and no rights of the petitioners are affected.

5. In view of the same, the present writ petition is disposed of. The petitioners are at liberty to raise their grievances at appropriate stage before the authority.

[ARUN R. PEDNEKER J.]

ssc/