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

46 WRIT PETITION NO.9201 OF 2023

**DILIP BHAUSAHEB BANKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr L. H. Kawale, Advocate for Petitioner;
Mr S. G. Karlekar, A.G.P. for Respondents/State
Mr S. K. Kadam, Advocate for Respondent Nos.4 to 6

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 31st July, 2023

PER COURT:

1. This petition is filed by an individual, who claims to be an agriculturist. Contention is that, Respondent No.3 should issue a Notification under Section 44 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (for short 'the said Act') for amalgamating the Agricultural Produce Marketing Committee, Khultabad and the Agricultural Produce Marketing Committee, Lasur Station.
2. We have perused Section 44 of the said Act, which reads as under :-

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“44. Amalgamation or division of Market Committees.

(1) Where the State Government is satisfied that for securing efficient regulation of marketing of any agricultural produce in any market area [and for ensuring the economic viability of the Market Committee], it is necessary that two or more Market Committees therein should be amalgamated or any Market Committee therein should be divided into two or more Market Committees, then the State Government may, after consulting the Market Committees or Committee, as the case may be, [and the [State Marketing Board]] by notification in the Official Gazette, provide for the amalgamation or division of such Market Committees into a single Market Committee or into two or more Market Committees, for the market area in respect of the agricultural produce specified in the notifications with such constitution, property, rights, interests and authorities and such liabilities, duties and obligations (including provision in respect of contracts, assets, employees, proceedings, and such incidental, consequential and supplementary matters as may be necessary to give effect to such amalgamation or as the case may be, the division) as may be specified in the notification.

(2) Whether more Market Committees than one are established in any market area under sub-section (1), the State Government may, notwithstanding anything contained in this Act, issue general or special directions as to which of the Market Committees shall exercise the powers, perform the duties and discharge the functions of the Market Committee under this Act, in which they are jointly interested or which are of a common nature.

(3) Where any directions are issued under sub-section (2), the cost incurred by a Market Committee in pursuance of the directions shall be shared by the other Market Committees concerned in such proportion as may be agreed

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upon, or in default of agreement, as may be determined by the State Government or such officer as that Government may direct in this behalf. The decision of the State Government or such officer shall be final.”

3. Considering the above, we refrain from issuing any direction to Respondent No.3. Suffice it to say that, Respondent No.3 and the State Government shall consider the issue within the framework of law.

4. **This petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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