

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

**58 WRIT PETITION NO.12625 OF 2022
WITH CA/16879/2022 IN WP/12625/2022**

**BALAJI RAMRAO DESAI
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

...
Advocate for Petitioner : Mr. Shahaji B. Ghatol Patil
AGP for Respondent – State : Mr. S.B. Yawalkar
Advocate for Respondent No.9 : Mr. U.M. Maske Patil
Advocate for Respondent No.10 : Mr. S.K. Kadam
...

**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 27-03-2023

PER COURT :

. For the reasons stated in the intervention application,
the same is allowed.

2. Petitioners claim to be office bearers of respondent no. 9
– APMC and after their tenure has come to an end on June 02, 2022
they were granted extension for a period of six months i.e. upto
December 02, 2022 pursuant to second proviso to sub-section (3) of
Section 14 of the Maharashtra Agricultural Produce (Development
and Regulation) Act, 1963 (hereinafter referred to as the 'Act of
1966').

3. According to Mr. Ghatol Patil, learned counsel for petitioner, the postponement of election of respondent no.9 – APMC was not at the behest of petitioner, but in view of pandemic such postponement was ordered by the Government. In such an eventuality, he would urge that unless there are adverse reasons, the term of petitioner being the Director of respondent no. 9 - APMC should have been extended by another six months. So as to substantiate such claim, he has placed reliance upon judgment of the Division Bench of this Court in the matter of **Radhakisan s/o. Deorao Pathade & Ors vs. The State of Maharashtra & Ors** reported in **2021 (3) ALL MR 328**.

4. Mr. S.K. Kadam, learned counsel for respondent no.10 - State Cooperative Election Authority submits that the election program of respondent no.9 is already declared and the same shall be concluded by the end of April-2023.

5. In view of above, this Court may refrain itself from exercising discretionary jurisdiction.

6. There appears to be substance in the submission of learned counsel for respondent no.10. On facts the case of petitioner

is not similar to the one as has been decided in the aforesaid judgment of **Radhakishan** (*supra*).

7. In the case in hand, since the election programme is already declared which is to be concluded by end of April-2023, no fruitful purpose would be served in allowing the writ petition thereby ordering extension in favour of petitioner as it shall be always open for petitioner to contest the election. In that view of the matter, this Court refrain from causing any interference in the petition and the same stands disposed of accordingly.

(S.G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE , J.)

GGP