

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11116 OF 2023

Shri Vijay D.Kulkarni & Another .. Petitioners.
v/s.
The State of Maharashtra & Others .. Respondents.

Mr. Sarang S. Aradhye with Ms. Gauri Velankar, Adv. Shantanu Gurav and Adv. Saarth Chorelia, for the Petitioners.

Ms. A. A. Purav, AGP for Respondent-State.

Mr. Deelip Patil Bankar, Chief Standing Counsel SCEA, for Respondent No.3.

Mr. Y. S. Jahagirdar, Sr. Advocate i/b. Mr. Bhushan Walimbe, for Respondent No.4-APMC.

**CORAM: A.S.CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ.**
DATE : 20th DECEMBER, 2023.

PC:-

By this Writ Petition, the Petitioners are aggrieved by the postponement of the elections to the Agricultural Produce Market Committee, Solapur. They pray that the State Co-operative Election Authority be directed to forthwith declare the election process and hold elections to the Market Committee. The challenge is thus raised to the order dated 13th June, 2023 that was passed under Section 14 (3) of the Maharashtra Agricultural Produce Marketing (Development and Regulations) Act, 1963.

2 Today, the learned Counsel for the Petitioners has tendered copy of the order dated 18th December, 2023 that has been passed by the State Co-operative Election Authority, by which it has been directed that

the elections to the Market Committee would be held. As far as the election programme is concerned, the same is to commence from 20th December, 2023 and the final voter list has to be prepared on 31st January, 2024. He, therefore, submits that, in accordance with this programme, directions be issued to the State Co-operative Authority to hold the elections.

3 The learned Sr. Advocate appearing for the Market Committee on the other hand submits that the order dated 13th June, 2023 has extended the tenure of the Market Committee for a period of six months, which is to expire on 14th January, 2024 or till the time a new Board of Directors takes charge after the elections are held, whichever is earlier. On 5th December, 2023, an application for further extension of the tenure has been moved by the Market Committee and, presently, the same is pending with the State Government. He, therefore, submits that, if the decision is taken on the application dated 5th December, 2023 prior to 14th January, 2024, there would be clarity in the election process.

4 Considering the facts of the case, we find that, by the order dated 18th December, 2023 passed by the State Co-operative Election Authority, new election programme now has been declared, which has commence from today. The said Authority is free to conduct the elections in accordance with the order.

5 In the meanwhile, however, since the application seeking extension to the tenure of the Market Committee has been made on 5th December, 2023, and the same is pending with Respondent No.1, it is directed that the decision on the said application dated 5th December, 2023 be taken in accordance with law by 10th January, 2024. Subject to

the outcome of the said application, the State Co-operative Election Authority shall proceed in accordance with its order dated 18th December, 2023.

6 With these directions, the Writ Petition is disposed of.

(FIRDOSH P. POONIWALLA,J.)

(A.S. CHANDURKAR,J.)