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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 13403 OF 2023  
IN  
WRIT PETITION NO. 5500 OF 2023**

Krushī Utpanna Bajar Samiti Pune ...Petitioner/Applicant

***Versus***

Vijay Narayan Thatte And Ors ...Respondents

**WITH  
INTERIM APPLICATION NO. 13893 OF 2023  
IN  
WRIT PETITION NO. 8142 OF 2012**

Rahul Arora ...Petitioner/Applicant

***Versus***

The Collector, Pune And Ors ...Respondents

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***Adv. Mihir R. Govilkar***, Advocates for Petitioner in  
WP/8142/2012 and for Applicant in IA/13893/2023.

***Adv. M.L. Patil***, Advocates for Applicant in IA/13403/2023.

***Adv. Mr. Sameer Pandit a/w. Ms. Krina Gandhi, Mr.  
Anmol Menon*** i/by Wadia Ghandy And Co., Advocates for  
Petitioner in WP/5500/2023.

***Mr. A.I. Patel Addl GP with Smt. M.S. Bane AGP***, for  
State/Respondent No. 1 to 3 in both Writ Petitions.

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**CORAM : B. P. COLABAWALLA &  
M.M. SATHAYE, JJ.  
DATE : AUGUST 29, 2023**

**P. C.**

**1.** Both the Writ Petitions challenge the acquisition proceedings in relation to certain parcels of land situated in Tathawade Village, Mulshi Taluka (“**subject Land**”).

**2.** Petitioner No. 3 in Writ Petition No. 8142 of 2012 has filed Interim Application No. 13893 of 2023 seeking to delete APMC Pune as a Respondent in Writ Petition No. 8142 of 2012 on the grounds that it is not a proper or necessary party. Since APMC Pune has not been made a party to Writ Petition No. 5500 of 2023, APMC Pune has filed Interim Application No. 13403 of 2023 in Writ Petition No. 5500 of 2023 seeking to be impleaded as a party to that Petition on the grounds that it is a necessary party.

**3.** Since the subject Land originally fell within the market area limits of APMC Mulshi, APMC Pune was not originally a party to Writ Petition No. 8142 of 2012. However, by an order dated 8<sup>th</sup> March, 2019 passed by the District Deputy Registrar (CS), Pune (Rural), APMC Mulshi and APMC Pune were amalgamated. Consequent to this amalgamation, vide

order dated 29<sup>th</sup> January 2020, this Court directed that APMC Pune be added as a party to Writ Petition No. 8142 of 2012.

4. By an order dated 9<sup>th</sup> September 2020 passed by the District Deputy Registrar (CS), Pune (Rural), APMC Mulshi and APMC Pune were once again demerged. Consequently, this Court by an order dated 25<sup>th</sup> March 2021, directed APMC Mulshi to be restored as Respondent No. 4 in Writ Petition No. 8142 of 2012.

5. Since the subject Land fell within the market area of APMC Mulshi, on 24<sup>th</sup> March, 2022, APMC Pune made a proposal to the District Deputy Registrar (CS), Pune (Rural), to include *inter alia* the village Tathawade of the Mulshi Taluka into the market area of APMC Pune. However, before any decision could be taken by the District Deputy Registrar on this proposal, on 26<sup>th</sup> June 2023, APMC Pune passed a resolution withdrawing the said proposal. This was also communicated to the District Deputy Registrar by the APMC Pune vide its letter dated 7<sup>th</sup> July 2023.

6. In view of the above facts, counsel for both the Petitioners have submitted that since APMC Pune has no interest in the subject Land, APMC Pune is not a proper or a necessary party to either of the Writ Petitions.

**7.** The learned counsel appearing for APMC Pune does not dispute this factual position. His only concern in the matter is that APMC Pune had paid certain monies to the Marketing Board that it claims it is entitled to recover from APMC Mulshi.

**8.** Based on the above submissions, we are of the view that APMC Pune does not have any interest in the subject Land or the acquisition proceedings and therefore, APMC Pune is not a proper or necessary party to either of the Writ Petitions. Accordingly, Interim Application No. 13893 of 2023 in Writ Petition No. 8142 of 2012 is allowed and APMC Pune is deleted as a Respondent in Writ Petition No. 8142 of 2012. The Petitioners are directed to carry out the consequential amendments within a period of two weeks from today.

**9.** Interim Application No. 13403 of 2023 in Writ Petition No. 5500 of 2023 filed by APMC Pune is dismissed. In the event APMC Pune has any claims against APMC Mulshi or any other authority, it is always at liberty to adopt such remedies as it may deem fit in accordance with law.

**10.** Both Interim Applications are disposed off accordingly. No order as to costs.

**11.** Place both the above Writ Petitions on board for directions on 25<sup>th</sup> September, 2023.

**12.** This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

**[ M.M. SATHAYE, J.]**

**[ B. P. COLABAWALLA, J.]**