

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO. 768/2023

*SHRI. SUDHIR DAULATCHAND KOTHARI CHAIRMAN AGRICULTURE PRODUCE MARKET
COMMITTEE, HINGANGHAT, WARDHA*

VS

STATE OF MAHARASHTRA AND ORS.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Dr. Anjan De, Advocate for the petitioner
Mr. R.L. Khapre, Senior Advocate with Ms. N.P. Mehta, Assistant Government
Pleader for respondent nos. 1 to 3
Mr. S.S. Ghate, Advocate for respondent no. 4

CORAM : A. S. CHANDURKAR AND M. W. CHANDWANI, J.J.

DATED : 06/03/2023

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The challenge raised in this writ petition is to the order dated 19.01.2023 passed by Director of Marketing Committee, Pune by which it has been held that the order dated 10.01.2023 that was passed by the said Authority earlier treating the Membership of the petitioner on Agricultural Produce Market Committee, Mumbai as having been terminated could not be recalled since, there is no provision for such course of action under the provisions of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963.

3. After hearing the learned Counsel for the petitioner as well as the learned Senior Advocate for respondent nos. 1 to 3, we are satisfied that the order dated 19.01.2023 deserves to be set aside principally for two reasons:-

(a) The order dated 10.01.2023 passed by the Director Marketing Committee holding the petitioner not entitled to continue as a Member of Agricultural Produce Market Committee, Mumbai has been passed without hearing the petitioner. This is notwithstanding the petitioner's request for grant of an opportunity of hearing that was made by the petitioner on 05.01.2023. In effect, the order dated 10.01.2023 has been passed in breach of the principles of natural justice.

(b) On 09.01.2023 the District Deputy Registrar, Co-operative Societies appointed an Administrator on the Agricultural Produce Market Committee, Hinganghat under Section 15-A of the said Act. However, on 11.01.2023 the District Deputy Registrar, Co-operative Societies cancelled his earlier order dated 09.01.2023. As a result, the petitioner continued as Chairman of the Agricultural Produce Market Committee, Hinganghat. Consequently, the petitioner continued to be a Member of Agricultural Produce Market Committee, Mumbai. It, therefore, could not be said that as a consequence of the petitioner not being Chairman of Agricultural Produce Market Committee, Hinganghat, he was not entitled to be a Member of Agricultural Produce Market Committee, Mumbai.

4. Hence, for the aforesaid reasons, the order dated 19.01.2023 is quashed and set aside. It is declared that the petitioner continues to hold the post of Member at Agricultural Produce Market Committee, Mumbai.

5. Rule is made absolute in the aforesaid terms with no order as to costs.

(M. W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

SANDIP
MAHADEV
GATE

Personal Assistant to
the Hon'ble Judge
Digitally signed by
SANDIP MAHADEV
GATE
Date: 2023.03.09
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