

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

WRIT PETITION NO. 2569 OF 2023

Shivprasad Surajlal Bhoyar__ Vs. __ District Election Officer of APMC and anr

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.M.I.Dhatrak, Advocate for petitioner
Mr. N.R.Patil, AGP for respondent nos.1 and 2

CORAM : AVINASH G. GHAROTE, J.
DATE : 20/04/2023

1] Heard Mr. Dhatrak, learned counsel for the petitioner.

2] The petition challenges the order dated 5.4.2023 passed by the Returning Officer, rejecting the nomination of the petitioner on the ground that the petitioner has not annexed any 7/12 extract to indicate that the petitioner is an agriculturist on account of owning the land (pg.37), the appeal there against has been rejected by the appellate Authority by order dated 13.4.2023 (pg.46).

3] It is contended by Mr. Dhatrak, learned counsel for the petitioner by relying upon the certificate of the Talathi at page 27 that the petitioner is an agriculturist holding the land of Gat No. 368 admeasuring 0.10 HR at Mouza Kati. It is however an admitted position as admitted by Mr.Dhatrak, learned counsel for the petitioner that

the aforesaid land is not owned by the petitioner, but is owned by his father. There is no other document placed on record to indicate that the petitioner is doing agricultural activity of any nature whatsoever.

4] Considering the definition of “agriculturist” as defined in section 2(b) of the APMC Act, it is necessary that a person who claims to be an agriculturist must demonstrate to be engaged in the production or growth of agricultural produce, which has not been processed. In the instant case, the certificate of Talathi placed on record at page 27 dated 1.4.2023 merely states that the petitioner has experience as an agriculturist, which does not in my considered opinion satisfy the requirement of the definition, in view of which, I am not inclined to interfere in the impugned order and the petition is accordingly dismissed. No costs.

JUDGE

Rvjalit