



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7755 OF 2023

Subhash Kaniram Rathod, Post Tandali Shevai, Tq. and Dist. Washim

-vs-

Director of Marketing, Maharashtra State, Pune and ors.

WITH

WRIT PETITION NO.7756 OF 2023

Damodar Yashwanta Gote, Tondgaon, Tq. and Dist. Washim

-vs-

Director of Marketing, Maharashtra State, Pune and ors.

WITH

WRIT PETITION NO.7754 OF 2023

Raju alias Vitthal Pandurang Choudhary, Pardi Takmor, Tq. and Dist. Washim

-vs-

Director of Marketing, Maharashtra State, Pune and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. L. Khapre, Senior Advocate with Shri S. N. Gattani, Advocate and Shri V. A. Lohia, Advocate for petitioners.

Shri Nikhil Joshi, Assistant Government Pleader for respondent Nos.1 and 2 in WP/7755/2023.

Ms Deepali V. Sapkal, Assistant Government Pleader for respondent Nos.1 and 2 in WP/7756/2023 and WP/7754/2023.

Shri A. M. Ghare, Advocate with Shri P. V. Ghare, Advocate for respondent No.6/Caveator.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : November 10, 2023

Common Order :

1. Writ Petition No.7754/2023 is not on board. Same is taken on board.
2. Notice in all the writ petitions is made returnable forthwith. Respective Assistant Government Pleaders waive service of notice for respondent Nos.1 and 2.
3. Shri A. M. Ghare, learned counsel waives service of notice for respondent No.6.
4. Considering the directions proposed to be issued, service on

other respondents is dispensed with.

5. The respondent No.6 in each writ petition has filed proceedings seeking dis-qualification of each petitioner. The said proceedings were filed under Rule 72A of the Maharashtra Agricultural Produce Market (Election to Committee) Rules, 2017 (for short, the Rules of 2017). The District Deputy Registrar, Co-operative Societies, Akola and the District Election Officer (Agricultural Produce Market Committee) decided the said proceedings on 03/11/2023 and held the election of each petitioner to be invalid. Being aggrieved, the petitioners have filed appeal under Rule 72A of the Rules of 2017 before the appellate Authority being the Divisional Joint Registrar, Co-operative Societies, Amravati. Alongwith with the appeal, an application for stay as well as an application seeking transfer of the proceedings from the file of the said Authority to the file of another Authority has been moved. This application was moved on the premise that presently the charge of the office of the Divisional Joint Registrar, Co-operative Societies, Amravati is with the District Deputy Registrar, Co-operative Societies, Akola. This fact was not disputed by the learned counsel for the respondent No.6. Since there is no dispute that the charge of office of the Divisional Joint Registrar, Co-operative Societies, Amravati is held by the District Deputy Registrar, Co-operative Societies, Akola, the following directions would meet the ends of justice :

- (i) The petitioners are permitted to file copy of the proceedings which they have filed before the Divisional Joint Registrar, Co-operative Societies, Amravati at the office of the Divisional Joint Registrar, Co-operative Societies, Nagpur.
- (ii) The petitioners are free to pursue the application for stay preferred by them in those appeals before the Divisional Joint Registrar, Co-operative Societies, Nagpur. The said Authority shall consider the stay application in accordance with law after hearing the petitioners as well as the Caveator.

(iii) It is made clear that this Court has not considered the merits of challenges as raised and the parties are at liberty to raise all points in support of their respective contentions. It is also made clear that the Divisional Joint Registrar, Co-operative Societies, Nagpur is free to consider the stay application without waiting for the original record to be received from the office of Divisional Joint Registrar, Co-operative Societies, Amravati.

6. With these directions the writ petitions are disposed of.

7. The learned Assistant Government Pleaders to communicate copy of this order to the respective Authorities.

8. Authenticated copy of this order be furnished to the counsel for the parties.

(Abhay J. Mantri, J.)

(A. S. Chandurkar, J.)