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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3953 OF 2024

MANISH BHIKANRAO POL AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH DEPARTMENT
OF COOPERATION OF MARKETING AND OTHERS**

....

Mr D. P. Palodkar, Advocate for Petitioners

Mr R. S. Wani, A.G.P. for Respondent Nos.1, 2, 5 and 6

Mr S. V. Dixit, Advocate for Respondent No.3

Mr S. K. Kadam, Advocate for Respondent No.9

WITH

CIVIL APPLICATION NO. 8176 OF 2024

IN WP/3953/2024

JAYRAJ YUVRAJ SARAIKAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr Vishal A. Bagal, Advocate for Applicants

Mr R. S. Wani, A.G.P. for Respondent Nos.1, 2, 5 & 6 in WP

Mr S. V. Dixit, Advocate for Respondent No.3 in WP

Mr S. K. Kadam, Advocate for Respondent No.9 in WP

WITH

CIVIL APPLICATION NO. 8179 OF 2024

IN WP/3953/2024

KRUSHNA SAHEBRAO PATIL

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
DEPARTMENT OF COOPERATION OF MARKETING AND
OTHERS**

....

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Mr K. J. Suryawanshi, Advocate for Applicant
Mr R. S. Wani, A.G.P. for Respondent Nos.1, 2, 5 & 6 in WP
Mr D. P. Palodkar, Advocate for Petitioners in WP
Mr S. V. Dixit, Advocate for Respondent No.3 in WP
Mr S. K. Kadam, Advocate for Respondent No.9 in WP

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 26th August, 2024

PER COURT:

1. We have considered the submissions of the learned Advocates appearing on behalf of the Petitioners and the Respondents, in chambers.

2. The learned A.G.P. and the learned Advocate appearing for Respondent No.3, along with the learned Advocates for the Applicants/Intervenors, pointed out the order passed by the learned Single Judge of this Court, dated 11/01/2024, in Writ Petition No.273/2024, filed by Krushna Sahebrao Patil Vs. State of Maharashtra and others. Krushna Patil is a Complainant. The Intervenors are the employees of the Agricultural Produce Market Committee (A.P.M.C.), Khultabad. It is contended by these Advocates, keeping in view the observations of the learned Single

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Judge in paragraph Nos.4 to 8, that this Writ Petition is frivolously filed and need not be entertained.

3. We find from the order of the learned Single Judge, dated 11/01/2024 that, the contentions of the parties were taken into account and the fact that the Minister has also stayed the order of amalgamation of the A.P.M.C., Khultabad with A.P.M.C., Lasur, was considered. Paragraph Nos.4 to 8, read as under :-

“4. The primary objection of the petitioner is that the appeal before the Hon'ble Minister filed by respondents No.4 and 5, under Section 52B of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, is not tenable. His objection about the tenability of the appeal has not been considered and stay was granted to the impugned notification of amalgamation dated 13.10.2023, illegally.

5. After hearing the parties, it appears that the Hon'ble Minister could decide the primary issue of tenability of the appeal.

6. The learned counsel for the contesting respondents suggests that instead of remitting the matter for deciding the appeal only for the tenability, it may be disposed of on merit including the tenability of the appeal.

7. Considering the issue involved in the case, particularly, the existence of elected body of Agricultural Produce Market Committee, Lasur Station, the Court is of the view that the matter may be disposed of by requesting the Hon'ble Minister to dispose of the appeal on merit

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including the objection regarding the tenability of appeal, within two months from today.

8. Both parties should appear before the Hon'ble Minister on 17.01.2024.”

4. We need to record that, we had granted status quo order while issuing notice on 17/04/2024, being oblivious of the order of the learned Single Judge, dated 11/01/2024, since this order was not cited before us by the Petitioners and there were no pleadings in the memo of the Petition, to bring this fact to our notice. The Petitioners have obviously suppressed this aspect.

5. In view of the above and since the A.P.M.C. is a party in the proceeding before the Minister and keeping in view that the order of amalgamation has been stayed, we deem it appropriate to dispose of this Writ Petition since the learned Single Judge has already passed an order directing the Minister to deal with all the issues raised by the litigating parties, including the aspect of the tenability of the Appeal.

6. In view of the above, **this Writ Petition is disposed off.** Needless to state, the ad-interim relief stands vacated since

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the Minister has already stayed the amalgamation of the two A.P.M.Cs.

7. We grant liberty to the learned A.G.P. to move a Civil Application before the learned Single Judge, seeking extension of time.

8. In view of the above, the **pending Civil Applications** do not survive and the same **stand disposed off**.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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