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

**940 CIVIL APPLICATION NO. 9562 OF 2024
IN/WITH WP/4024/2023**

DNYANESHWAR BAJIRAO MHASKE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS**

WITH

**CIVIL APPLICATION NO. 11483 OF 2023
IN WP/4024/2023**

RADHAKISAN DEVRAO PATHADE

VERSUS

DNYANESHWAR BAJIRAO MHASKE AND OTHERS

....

Mr V. D. Hon, Senior Advocate i/b Mr P. D. Jarare, Advocate for
Applicant;

Mr S. K. Tambe, A.G.P. for Respondent Nos.1 to 3

Mr S. S. Thombre, Advocate for Applicant/Intervenor in
CA/11483/2023

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 20th September, 2024

PER COURT:

1. The learned A.G.P. places on record a judgment delivered by the Minister (Marketing), dated 11/09/2024, by which, the delay caused in filing the proceeding, by 12 members

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of the Chhatrapati Sambhajnagar Agricultural Produce Market Committee, has condoned and the Minister has passed a final order quashing and setting aside the report of the Deputy Registrar, Cooperative Societies, Chhatrapati Sambhajnagar, dated 19/03/2021. Appeal No.54/2022, filed by these 12 persons under Section 52(B) of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, has been allowed.

2. In view of the above, the learned Senior Advocate representing the Applicant/Petitioner submits that, the Applicant may be permitted to withdraw Civil Application No.9562/2024 and the Applicant/Petitioner would avail of a remedy, as may be permissible in law.

3. The learned A.G.P. submits that, none of the 12 persons, who have now succeeded in Appeal before the Minister, have been arrayed as Respondents in the Writ Petition. So also, he submits that, the Writ Petition is rendered infructuous because prayer clause (B) put forth by the Petitioner in the Writ Petition, was based on the same report, dated 19/03/2021, which has now been set aside by the Minister.

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4. The learned Senior Advocate, on instructions, submits that this Writ Petition may be kept pending.

5. In view of the above, **Civil Application No.9562/2024 is disposed off**, as withdrawn on instructions. Needless to state, the contention raised by the State Authorities that, this Writ Petition is rendered infructuous, is kept open.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk