



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

WRIT PETITION NO. 273 OF 2024

Krushna Sahebrao Patil,
Age 48 years, Occu. Agri.,
R/o. Dongaon, Tq. Gangapur,
Dist. Chhatrapati Sambhajnagar

.. Petitioner

Versus

1. The State of Maharashtra
Through Hon'ble Minister, Marketing
Department Mantralaya Mumbai

2. Managing Director
Maharashtra State Agriculture
Marketing Board, Pune

3. The District Deputy Registrar
Co-operative Societies
Chhatrapati Sambhajnagar

4. Anil Rajaram Chavan
Age 51 years, Occu. Agri.,
R/o. Katepimpalgaon, Tq. Gangapur,
Dist. Chhatrapati Sambhajnagar

5. Sheshrao Bhaurao Jadhav
Age 50 years, Occu. Agri.,
R/o. Maliwadgaon, Tq. Gangapur,
Dist. Chhatrapati Sambhajnagar

.. Respondents

Mr. Kamlakar J. Suryawanshi, Advocate for the Petitioner;
Mr. A. B. Girase, Government Pleader for Respondents No.1 and 3;
Mr. Devdatt P. Palodkar, Advocate for Respondents No.4 and 5

CORAM : S. G. MEHARE, J.

DATE : 11-01-2024

PER COURT :-

1. Heard the learned counsel appearing for the parties.

2. Issue notice to the respondents.
3. Learned A.G.P. waives service of notice for respondents No.1 and 3 and Mr. Palodkar, learned counsel waives service of notice for respondents No.4 and 5.
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 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.

9. With the above directions, the writ petition stands disposed of.

(S. G. MEHARE)
JUDGE

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