



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

WRIT PETITION NO. 11276 OF 2024

..... Vish Bhikanrao Pol and Ors.

....Petitioners

VERSUS

The State of Maharashtra

Through Department Of Cooperation and Ors.

.....Respondents

.....
WITH CIVIL APPLICATION NO. 11250 OF 2024
IN WRIT PETITION NO. 11276 OF 2024

.....
Mr. V. D. Sapkal [Senior Advocate] i/b Mr. S. R. Sapkal along with Mr. R. N. Patil, Advocate for the Petitioners

Mrs. S. N. Deshmukh, AGP for the Respondent – State

Mr. Vishal A. Bagal, Advocate for Caveator / Intervener in Application No.11250/2024

Mr. K. J. Suryawanshi, Advocate for Caveator / Intervener in Application No.11258/2024

.....
**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 15.10.2024

PER COURT :

1. By this Petition, the Petitioners have made the following prayers :-

“A) To quash and set a side Order / Notification bearing No.Jiuni/Panan/KruUbas/Lasur Station V Khultabad/Vilinikaran/2023/4897 dated 13.10.2023 issued U/Sec. 44 of Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 for amalgamation of APMC, Khultabad into AMPC, Lasur Station by invoking the powers under Section 44 of the Maharashtra Agricultural Produce Marketing (Development and Regulation Act, 1963) by issuing any appropriate writ, order or direction as the case may be.

B) To grant stay to the effect operation, implementation and execution of the Order / Notification bearing No.Jiuni/Panan/KruUbas/Lasur Station V Khultabad / Vilinikaran / 2023/4897 dated 13.10.2023 issued U/Sec. 44 of Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 for amalgamation of APMC, Khultabad into APMC, Lasur Station by invoking the powers under Section 44 of the Maharashtra Agricultural Produce Marketing (Development and Regulation Act, 1963), pending hearing and till final disposal of the present Writ Petition.

C) Ad-interim relief in terms of prayer clauses (B) may kindly be granted.

D) Any other suitable and equitable relief may kindly be granted in favour of the petitioners.”

2. It is submitted by learned Senior Advocate for the Petitioners that, the action of the Government is contrary to the provisions of the Maharashtra Agricultural Produce Marketing [Development and Regulation] Act, 1963 [hereinafter referred to as ‘the APMC Act’] and therefore, the action of the Government be stayed.

3. Learned Advocates Mr. Bagal and Mr. Suryawanshi appearing for Caveator and Intervener submit that, the Government by order dated 27/09/2024 appointed Respondent No.6 – Assistant Registrar to take charge of Respondent No.8 – APMC. Learned Advocate Mr. Suryawanshi has tendered across the bar an Application for intervention, in which, following averment is made in Paragraph No.13 :-

“13. The Hon’ble Minister has dismissed the appeal on 23.9.2024. Thereafter the respondent no.5 DDR issued letter dated 27.9.2024 to the respondent no.6 Assistant Registrar for taking charge of respondent no.8 APMC. As per said letter the Assistant Registrar Taluka Gangapur has taken charge of respondent no.8 APMC on 27.9.2024. The copy of letter dated 27.9.2024 issued by respondent no.5 DDR and proceedings dated 27.9.2024 of respondent no.8 APMC is annexed herewith and marked as EXHA-9.”

4. In view of above, issue notice to the Respondents, returnable on 18/11/2024. Learned AGP waives service of notice for all the Respondents.

5. Learned AGP to file reply before the next date.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]