

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16720 OF 2023

Yogesh Ramesh Pawar

...Petitioner

Versus

State Of Maharashtra And Ors.

...Respondents

.....

Mr. C.K. Bhangoji, Advocate for Petitioner

Mr. V. M. Mali, AGP, for Respondent Nos. 1 to 4.

.....

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CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.

DATE : 05 JANUARY 2024

P.C.:

. Heard learned counsel for the parties. The Petitioner has made a grievance that the order passed by Respondent No. 4 – Divisional Assistant Registrar, co-Operative Society, Nashik in an Appeal under Rule 104 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967 (for short 'the Rules 1967') is not being implemented by Respondent Nos. 2 and 3.

2. The order passed in Appeal is placed on record. The learned counsel for the Petitioner asserts as of date the order passed by the Appellate Authority dated 10 August 2023 is not being modified or set aside continues to bind Respondent No. 4. We proceed on the basis of this statement. That being the position and that Respondent

No. 4, the Division Assistant Registrar being an Appellate Authority if a grievance is made that the order of the Appellate Authority is not being implemented then the Appellate Authority must look into this issue otherwise the forum for providing Appeal under statute would be redundant. The learned counsel for the Petitioner states that he has made representation to Respondent Nos. 2 and 3 but he has not brought this fact to the notice to the authority whose order seeks to enforce.

3. We grant leave to the Petitioner to approach the Appellate Authority with his grievance that the order of Appellate Authority is not being complied with by Respondent Nos. 2 and 3. Once such application is made, we have no doubt that Appellate Authority will look into with seriousness. Otherwise the scheme under the Rules 1967 for providing an Appeal would be without any legal efficacy. At the same time, we also direct if Respondent No. 4 finds that the grievance of the Petitioner is justified not only Respondent No. 4 would issue necessary directions but also forward the copy of its order to Respondent No. 1 State through its Secretary, Department of Co-operation, Marketing and Textiles, Mantralaya, Mumbai-32.

4. Writ Petition is disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)