

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14361 OF 2024

Sandeep Suhash Kapadnis And Ors.

... Petitioners

Versus

The State of Maharashtra And Anr.

... Respondents

Mr. Sanjay P Shinde, for the Petitioners.

Mr. Abhijit K. Naik, AGP, for the State.

Mr. Prathamesh Bhanuwanshe, i/b Mr. Rajesh L. Kambale, for
Respondent No.2.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 18th OCTOBER, 2024

P.C.

We have heard Mr.Shinde, learned counsel for the Petitioners,
Mr. Bhanuwanshe, learned counsel for Respondent No.2, and Mr. Naik,
learned A.G.P. for the Respondent-State.

2 This petition under Article 226 of the Constitution of India is
filed praying for the following substantive reliefs :-

*“a) That this Hon’ble High Court be kindly pleased to issue
appropriate writ in the nature of writ of mandamus or any other
appropriate writ or order thereby directing the Respondent
No.2 Mathadi Board to register the Petitioners as Mapari*

Workers with the Respondent No.2 Board and after their registration issue the necessary order of allotment;

b) That this Hon'ble High Court be kindly pleased issue appropriate writ in the nature of writ of mandamus thereby directing the Respondent No.2 to consider the representation dated 12/06/2024 and 29/04/2024 submitted by the Petitioners to the Respondent No.2 thereby directing them to register the Petitioners as Mapari workers and consequently passed the necessary order of allotment as per the provisions of the Mathadi Act and Scheme framed there under;"

3 We need not advert to the facts in detail, suffice it to observe that in pursuance of an order dated 28 March 2024 passed by the District Deputy Registrar, Co-operative Society, Nashik Exhibit-H, Page 83, the Petitioners on the backdrop of the earlier proceedings moved an application dated 29 May 2024 with Respondent No.2 *inter alia* pointing out the factual matrix as also the order passed by the District Deputy Registrar, Co-operative Society thereby praying that the Petitioners be registered with Respondent No.2 - Board under the Scheme of the Nashik District Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) dated 12 June 1987 as amended up to 11 May 2007 framed under the Maharashtra Mathadi Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969.

4 With the assistance of the learned counsel for the parties, we have perused the various orders which came to be passed from time to time including the order dated 17 April 2023 passed by the learned Single Judge of this Court in Writ Petition No.6948 of 2022 along with Writ Petition No.13245 of 2022 wherein directions were issued by this Court setting aside the order dated 26 April 2022 passed by Hon'ble Minister (Co-operation and Marketing) and order dated 22 October 2021 passed by the Director (Marketing) with a direction that the Appeal of the Petitioners be disposed of by a fresh order.

5 We have perused the orders passed by the said Authority, on remand. We have also perused the order dated 6 November 2023 passed by the learned Single Judge by of this Court in Writ Petition No.13017 of 2023, which was on a Petition filed by those, who were working as Hamals as also as Mapari's. In such petition the challenge was to an order dated 26 September 2023 passed by the Hon'ble Minister of Minority Development in Revision No.47 of 2023. The Court quashed and set aside the said order while remanding the proceedings to the District Deputy Registrar, on which on remand the said order dated 28 March 2024 was passed by the District Deputy Registrar, permitting that the 19 Petitioners be registered with Respondent No.2. The operative portion such passed by the learned District Deputy Registrar is required to be noted which reads thus:

“(Translation of a photocopy of the CONDITIONS, BEING A MARKED PORTION typewritten in Marathi).

CONDITIONS :

1. The number of Porters, ‘Mapadi’ (Official Grain Measurer) as mentioned hereinabove is determined for the period of 03 years from the date of this Order.
2. The Market Committee shall issue licenses to only the required number of Porters / Official Grain Measurers, up to the limit of the aforesaid determined number, in the manner as prescribed by the provisions of Section 07 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 and of Rule 07 of the Rules, 1967 framed thereunder and as per the provisions of the sanctioned bye-laws.
3. Before issuing licenses to Porters / Official Grain Measurers by the Market Committee, the person concerned must have registered himself with the Labour Board.
4. The entire process regarding issuing licenses to new Porters and Official Grain Measurers shall be carried out as per the resolution passed in the meeting of the Board of Directors.
5. In order to see that the aforesaid Porters / Official Grain Measurers get equal wages for equal work, it shall be the responsibility of the Mathadi Board and Nampur Market Committee Management to appoint Porters / Official Grain Measurers by taking into account the agricultural produce received at the respective places.
6. The 19 Official Grain Measurer-Labourers - the Petitioners in the Interim Application No. 30686/2023 in Writ Petition No. 13017/2023 filed before the Hon’ble Bombay High Court, Mumbai shall be issued licenses on priority basis by getting their names registered with the Mathadi Board.

(Signature Illegible)

[Fayaz Mulani]

District Deputy Registrar,
Co-operative Societies, Nashik.”

(emphasis supplied)

6 It is in pursuance of the aforesaid directions of the District Deputy Registrar, Application/Representation dated 29 May 2024 came to be made by the Petitioners which has not been decided.

7 Having perused the orders passed by the District Deputy Registrar it is not in dispute that Respondent No.2 will be required to register the Petitioners. Let such action be undertaken within a period of four weeks from today. Ordered accordingly.

8 The Petition stands disposed of in the aforesaid terms.

9 No costs.

10 Parties to act on an authenticated copy of this order.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)