

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 640 OF 2019

(Agriculture Produce Market Committee, Karanja (Lad) vs. Rajesh S/o Hargundas Jeswani
and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of direction,
and the Registrar's orders.*

Court's or Judge's order

Mr. Pushkar Deshpande, Advocate h/f Mr.R.L.Khapre, Senior
Advocate for the petitioner/s.

CORAM : ABHAY J. MANTRI J.

DATE : SEPTEMBER 13, 2024

Heard the learned Counsel for the petitioner.

2) By this petition, the petitioner is challenging order dated 26/06/2018, passed by the learned Additional District Judge, Mangrulpir in Misc. Civil Appeal No.01/2018, whereby reverse the order passed by learned 2nd Jt. C.J.J.D., Karanja Lad, and partly allowed the appeal restraining the defendants (including the petitioner herein) from interfering in the peaceful possession of the northern side of the suit shop till the disposal of the suit.

3) During the argument, the learned Counsel for the petitioner submitted that defendant No.3, i.e. petitioner herein being the owner, is empowered to vacate the licensee from the suit premises as per Section 32E of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963.

4) It is pertinent to note that the defendants, Nos.1 and 2, i.e. respondent Nos.2 and 3, have not challenged the said

order. Moreover, despite the service of summons, none appeared for respondents No.2 and 3.

5) I have gone through the record and perused the impugned order. Having considered the same and submissions/undertaking made by learned Counsel for the petitioner, it is ready to follow due process of law while evicting respondent Nos.1 from the suit premises. His statement is accepted.

6) In this background, I deem it appropriate to dispose of the petition by restraining the defendants from interfering in the peaceful possession of a northern portion of the suit shop of respondent No.1/plaintiff without following due process of law.

7) Registry to inform the learned trial Court accordingly.

(ABHAY J. MANTRI, J.)

KOLHE