



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

WRIT PETITION NO.4164 OF 2025

**DILAWAR MIRZA BAIG AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

...
Advocate for the Petitioners : Mr. S.S. Thombre
AGP for Respondents: Mr. S.K. Tambe
Advocate for respondent No.3 : Mr. Gajanan N. Tirthkar h/f.
Mr. D.S. Bagul

...
**CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.**

DATE : 15.07.2025

PER COURT:

1. Heard the learned counsel for the petitioners. While issuing notice on 26.03.2025 the issue regarding territorial jurisdiction was kept open by this Court.
2. Today when the petition is taken up for consideration, the learned AGP appearing for the Respondent – State has reiterated the objection with regard to territorial jurisdiction and it is submitted that this petition ought to be filed before the Principal Seat of this Court. In that context reference is made to Section 13(1A) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963.
3. The learned counsel for the petitioner vehemently submits that the aforementioned provision ought to be read in its entirety and if

properly construed, it would demonstrate that the real issue being raised in the present petition pertaining to constitution of the Market Committee and the unceremonious manner in which the petitioners were removed as nominated members, can be agitated in this petition and it is clearly maintainable before this bench of the High Court.

4. Much emphasis is placed on Section 13 (1A) (a) (i) (ii) onwards, including (vi), which is particularly relevant for the petitioners and thereupon it is submitted that since the Market Committee contemplated under the aforesaid provision draws its members, elected or otherwise from the entire State of Maharashtra, the insistence on filing of this petition before the Principal Seat on the ground of territorial jurisdiction is unsustainable.

5. We have considered the said submission. But, we are unable to agree with the same, simply by perusing Section 13(1A)(a) which reads as follows :

“13(1A) (a) Notwithstanding anything contained in sub-section (1) of this section or in section 4 or other provisions of this Act, the area comprising Greater Bombay and Turbhe Villegge in Thane Taluka of Thane District (and such other area or areas as may be specified by the State Government by notification in the Official Gazette from time to time) (hereinafter referred to as "the Bombay market area"), shall be deemed to be a market area for the purposes of this Act, and the Market Committee for that area to be called by the name of the Bombay Agricultural Produce Market Committee shall, subject to the provisions of sub Section (2), consist of the following [... members], namely”

6. The above quoted provision clearly indicates that it pertains to the Bombay Market Area and the area of operation of the Market Committee contemplated under the said provision comprises of Greater Bombay and Turbhe Village in Thane Taluka of Thane District. This itself is enough to demonstrate that the grievance of the petitioners ought to be ventilated before the Principal Seat of this High Court and that the objection pertaining to territorial jurisdiction raised on behalf of the respondent - State deserves to be sustained. Accordingly, the objection is accepted

7. We have not expressed any opinion on the merits of the matter. The petition is disposed of with liberty to the petitioners to approach the Principal Seat of this High Court.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)