



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4428 OF 2025
WITH
CIVIL APPLICATION NO. 3751 OF 2025
IN
WRIT PETITION NO. 4428 OF 2025

AGRICULTURAL PRODUCE MARKET COMMITTEE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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- **Mr. Mahesh S. Deshmukh**, Advocate i/by Mr. Gite Umesh Babanrao, Advocate for the Petitioners.
- **Mr. A. B. Girase**, Government Pleader for Respondents/State.
- **Mr. S. S. Thombre**, Advocate for Applicant in CA No. 3751 of 2025 (for intervenor).

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CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 02.04.2025

PER COURT :

. The petitioner, which is an Agricultural Produce Market Committee, governed by the Maharashtra Agricultural Produce Marketing (Development & Regulation) Act, 1963, is taking exception to the directions/order passed by respondent No. 3 – the District Deputy Registrar, dated 21.03.2025 in purported exercise of the powers stated to be conferred upon him under Section 40(E) of the

Act and in the process directing the change of the post of in-charge secretary of the petitioner No. 1 be directed/assigned to some other individual till the time the proceeding under Section 40(A) and 40(B) of the Act is not concluded.

2. We have heard both sides as also the learned Government Pleader. We have also heard the learned advocate for the intervenor.

3. Since the dispute is being raised as to the manner in which the impugned order is passed, without there being any indication about the parties having been extended any opportunity of being heard, we had requested all the parties to inform as to if they would be comfortable to appear and address their individual cases before respondent No. 3 if we quash and set aside the order and remand the matter back to him for fresh adjudication by extending opportunity of being heard. The learned advocate for the petitioner and the learned advocate for intervenor agree for such arrangement, even the learned Government Pleader submits that this can be done.

4. In light of above, in view of the consensus between the parties, the writ petition is allowed partly. The impugned order is quashed and set aside and the matter is remitted back to respondent

No. 3 for fresh consideration on its own merits by extending opportunity to both sides of being heard. The parties, that is the petitioners and the intervenor shall appear before respondent No. 3 on 09.04.2025. He shall thereafter, extend them opportunity of being heard. The parties shall cooperate him and he shall thereafter decide the matter/pass appropriate order in accordance with law, as expeditiously as possible and in any case, within four weeks of parties appearance on the aforementioned date. All the contentions of both sides are kept open.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

jhs/