



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8285 OF 2025

Kailas Devrao Varat

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

...
Advocate for the petitioner : Mr. Mohit R. Deshmukh
AGP for the respondent – State : Ms. S.S. Joshi
...

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

DATE : 09 JULY 2025

ORAL ORDER (PER – MANISH PITALE, J.) :

Heard learned counsel for the petitioner and the learned
AGP for respondent nos. 1 and 2.

2. The petitioner is the vice chairman of the Agricultural Produce Market Committee, Jamkhed. The petitioner has approached this Court seeking urgent relief in the light of a meeting to consider a no-confidence motion against him, to be held tomorrow i.e. 10th July 2025, at 11.00 am. Considering the urgency of the matter, this Court has taken up the petition for hearing.

3. The petitioner has challenged the action of respondent no. 2 – Collector in convening the meeting tomorrow, by advancing the following submissions :-

(a) The requisition of the special meeting was not in consonance with section 23A(2) of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (for short "**the said Act**"), inasmuch as copy of the requisition was not furnished upon the petitioner and other 'directors' of the committee.

(b) It was submitted that the notice of the meeting to be held tomorrow, is in violation of the bye-laws, as notice of 10 clear days ought to have been given.

(c) Although the petitioner had requested for copy of the requisition and the documents to be supplied, respondent no. 2 failed to supply said copies.

4. As regards the first issue pertaining to section 23A of the said Act, according to us, the same is based on a complete misreading of section 23A(2) of the said Act, for the reason that it requires the requisition for such special meeting to consider the motion of no-confidence, to be sent to the Collector under intimation to the 'director'. The expression 'director' in the said provision clearly refers to the 'director', as defined in section 2(f) of the said Act, meaning the person appointed as director of marketing of the State of Maharashtra. The petitioner has confused the said word 'director' with member of the market committee. In fact, 'member' of the market committee is

separately and distinctly defined under section 2(k) of the said Act. Therefore, there is no substance in the aforesaid issue raised on behalf of the petitioner.

5. As regards the issue of 10 clear days of notice before convening of special meeting for consideration of the no-confidence motion, reliance placed on the bye-laws of the market committee, cannot be of any assistance, simply for the reason that the bye-law on which the petitioner relies, pertains only to an ordinary meeting of the market committee and not the special meeting contemplated under section 23A of the said Act. There is nothing to indicate that the statutory provision requires a notice of 10 days clear before convening of such a meeting to consider the no confidence motion. Thus, the said issue is also bereft of any substance.

6. The last issue raised on behalf of the petitioner pertains to his grievance of non-supply of documents and requisition. As noted herein-above, section 23A(2) of the said Act does not mandate any intimation to the members as regards the requisition. All it requires is that the requisition must be signed by not less than one-half of the total members of the market committee. In this case, there are total 18 members and as per the requisition, 12 members have signed the same, which demonstrates that section 23A(2) of the said Act has been duly satisfied.

7. Learned AGP has brought to the notice of this Court that notices with regard to the meeting to be convened tomorrow were duly served upon all the members of the market committee, including the petitioner on 04.07.2025. Hence, there is no substance in the aforesaid last issue raised on behalf of the petitioner.

8. In a democracy, the basic tenet is that the individual so elected has to enjoy the confidence of the majority of the house. It is for the petitioner to prove that he enjoys such confidence by facing the special meeting convened tomorrow, to consider the motion of no-confidence.

9. There is no merit in the present petition. Accordingly, it is dismissed.

[Y.G. KHOBRADE]
JUDGE

[MANISH PITALE]
JUDGE

arp/