

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

**PUBLIC INTEREST LITIGATION NO. 31 OF 2013**

Courts On Its Own Motion

... Petitioner

**Versus**

Agricultural Products Market

Committee, Satara & Ors.

... Respondents

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*Mr. Tanaji Mhatugade h/f. S.B. Deshmukh for Respondent No.1.*

*Mr. Abhijeet B. Desai i/b. N.P. Deshpande for Respondent No.2.*

*Mr. S.B. Kalel, A.G.P for the Respondent No.3-State.*

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**Coram :** M. S. Karnik &  
Sharmila U. Deshmukh, JJ.

**Date :** 25<sup>th</sup> September 2025.

**P. C. :**

1. On 4<sup>th</sup> February 2013 this Court passed the following Order :-

upto para 5

*1. Upon praecipe, ordered to be listed today under caption “production”.*

*2. Learned Amicus Curiae has placed before us Rule 95 (iii-a) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967, which has come into force from 7.6.1990. It mandates that the Market*

*Committee can allot shops, galas, sheds, plots or any other premises “only” for the purposes of sale and purchase of agricultural produce or such other purpose directly or indirectly connected with the sale and purchase of agricultural produce and not for any other purpose such as carrying sale of liquor, wine, beer, toddy or any other narcotic substance in wholesale or retail or for any other activity, which is against public policy or public moral. Such being the mandate of Rule 95, the Market Committee cannot assume authority to allot shops, galas, sheds, plots or any other premises for the purposes other than specified in the abovesaid Rule. All such allotments will be per se illegal and bad in law. The Market Committee, therefore, shall disclose on affidavit all the allotments made on and from 7.6.1990, chronologically and with the remark whether the activity carried on therein is permissible within Rule 95(iii-a) of the Rules and the justification for that remark. It is made clear that all allotments already made or to be made by the Market Committee on and from 7.6.1990 will have to abide by the discipline of the said Rule. The Market Committee will have to take corrective action in respect of the allotments which are made for utilising shops, galas, etc. for the purpose not in conformity with Rule 95(iii-a). The Members of the Board of the Market Committee shall be personally liable and can be prosecuted for misappropriating or misutilising the property of the Market Committee. The proposed affidavit be filed on or before 22.2.2013.*

*3. List this matter on 25.2.2013. To be listed, “First on Board”.*

*4. We make it clear that allotments made prior to 7.6.1990, if not in conformity with Rule 95(iii-a), the Market Committee shall take corrective steps in the matter so as to bring the utilisation of the property of Market Committee in conformity with the said Rule at the earliest. The allotment made even prior to cut-off date may be disclosed in*

*the affidavit in respect of which appropriate directions can be issued, if required.*

*5. Copy of the proposed affidavit be served on the learned Amicus Curiae in advance.*

**2.** An Affidavit dated 19<sup>th</sup> February 2013 has since been filed affirmed by one Mr. Raghunath Waman Manave, the Secretary of Agricultural Produce Market Committee, Satara. The relevant portion of the Affidavit needs to be reproduced.

*2. I say that, I am enclosing to this affidavit the two lists. The first list is consisting of the particulars prior to 7<sup>th</sup> June 1990. The copy of that list is enclosed to this affidavit and is marked as EXHIBIT R2. Another list is the list of the premises which have been given on rental basis after 7<sup>th</sup> June 1990. The copy thereof is enclosed to this affidavit and is marked as EXHIBIT R3.*

*3. I say that, from the aforesaid circumstances the following things would become clear to the Honourable Court.*

*4. So far as the list post 7<sup>th</sup> June 1990, is concerned it is in confirmative with the provisions of Rule 95 (III-A) which is inserted by the Government Notification dated 7<sup>th</sup> June 1990. Not a single premises, post 7<sup>th</sup> June 1990, has been given for liquor. The agreement has been given only for agricultural produces. However, in all fairness, I have also disclosed as to for what purposes, the property actually being used by the concerned person.*

*5. Further I say that, so far as the list prior to 7<sup>th</sup> June 1990 is concerned, some premises have been given for Wine Shop etc.*

*6. I say that, in respect of some matters the period is over and therefore Civil Suits have already been filed by Agricultural Produce Market Committee which are pending in the Lower Court. I request that, the Honourable Court, be please to direct that, those proceedings should be decided*

*immediately.*

*7. I also invite the attention of the Honourable Court, to refer to the letter written by Shri. Ashok Dhondiram Jadhav, our Advocate, who has submitted the letter on 11th February 2013, giving the particular of the action which have been taken by APMC. The copy of that letter is enclosed to this affidavit and is marked as EXHIBIT R4.*

**3.** In this view of the matter, we find that a positive categorical statement has been made that not a single premises, post 7<sup>th</sup> June 1990 has been given for liquor and it is in conformance with the provisions of Rule 95 (III-A) of the Rules. Further the A.P.M.C. has already filed the Civil Suits for appropriate reliefs, which have been filed for recovery of the possession of the shops, which were handed over and which were not in conformity with Rule 95(III-A). We direct the A.P.M.C. to request the trial Court to expedite the suit(s) and we have no doubt that such a request would be suitably considered by the trial Court. The Respondent-A.P.M.C. to abide by the Affidavit.

**4.** In the light of the above, we therefore do not propose to keep the Writ Petition pending as the purpose of the filing the P.I.L. is served.

**5.** P.I.L. is disposed off.

[ Sharmila U. Deshmukh, J. ]

[ M. S. Karnik, J. ]

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KUMBHAKARN  
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by OMKAR  
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