

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16756 OF 2024

Jaydutt Sitaram Holkar

...Petitioner

Versus

Director of Agricultural Marketing and Ors.

...Respondents

Mr. Bhushan Deshmukh, for the Petitioner.

Mr. N.N. Bhadrashete, for Respondent No.2 (APMC).

Mr. M.M. Pabale, AGP for Respondent No.5 – State.

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**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 5 FEBRUARY 2025

P.C.:

1. The grievance of the petitioner is that the elections of the Chairman and Vice Chairman of the Respondent No.2 – Mumbai Krushi Utpan Bazar Samiti, Navi Mumbai were required to be held as the elected Chairman and Vice Chairman resigned sometime in December 2020, and since then such posts are vacant. Drawing our attention to the communications dated 11 January 2023 addressed by the District Deputy Registrar to the Secretary of Respondent No.2 it is contended that although the elections were proposed to be held on 12 January 2023, they were not held for the reason that there was uncertainty in regard to the members of the Managing Committee of the respondent no.2. Thus, the

elections for such reasons were postponed. It is the petitioner's contention that thereafter no steps are taken and hence, the present petition has been filed praying for the following substantive reliefs:-

- “(A) Be pleased to issue writ of mandamus or any other writ and thereby direct respondent no.1 to 5 to immediately hold/conduct the elections for the vacant post of Chairman and Vice Chairman of respondent no.2 market committee i.e. Mumbai Krushi Uttpan Bazar Samiti, Mumbai.”
- (B) Be pleased to call for record and proceedings in respect of the order dated 11/1/2023 passed by respondent no.3 i.e. District Deputy Registrar Thane and after going through the same and satisfying about the legality, validity and propriety thereof be pleased to quash and set aside the order dated 11/1/2023 passed by respondent no.3 i.e. District Deputy Registrar Thane and thereby also declare the petitioner herein as committee member for Respondent no.2 i.e. Mumbai Krushi Uttpan Bazar Samiti, Mumbai for the period of 2020-2025.”

2. Having heard the learned counsel for the parties and having perused the record, we find that 5 years' term of the Managing Committee is yet to get over which would come to an end in August 2025 as stated by Mr. Bhadrashete, learned counsel for the respondent no.2.

3. We therefore, dispose of this petition with a direction to respondent no.3 – District Deputy Registrar of Co-operative Societies to take appropriate view of the matter and take steps to convene a meeting of the Managing Committee and hold election of the Chairman and Vice Chairman as expeditiously as possible. This be done within a period of two weeks from the date on which a copy of this order is made available to the respondent no.3.

4. All contention of the parties on the proposed actions to be taken by respondent no.3 are expressly kept open.
5. Disposed of in the aforesaid terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]