



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8009 OF 2025

Deepak Chandrakant GogadPetitioner

Vs.

The State of Maharashtra & Ors.Respondents

Mr. B. D. Joshi, i/b. Mr. Virendra Pethe, for the Petitioner.

Mr. S. P. Kamble, AGP, for the Respondents-State.

Mr. Rameshwar Gite with mr. Sushant Tare & Mr. Hiten Raut, for the Intervenor.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 20th JUNE 2025.

P.C.:-

1. Heard learned counsel for the parties.
2. By this Petition, the Petitioner has essentially impugned the notice dated 11th June 2025 issued by the Respondent No.7- B.L.Gaikwad (Statistic) Sankhiki, A.P.M.C., Manmad convening a meeting of the General Body Meeting of the A.P.M.C. on 23rd June 2025. According to the learned counsel for the Petitioner, the Respondent No.7 has no authority to issue the notice dated 11th June 2025 convening the said meeting, since the Respondent No.7 is neither the Secretary, nor the Chairman nor the Vice-Chairman.

3. Mr. Kamble, learned AGP appearing for the Respondent Nos.1 to 5 as well as Mr.Rameshwar Gite appearing for the Intervenor raises a preliminary objection. They state that the Petitioner has an alternate efficacious remedy of filing an Appeal under Section 52-B of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (A.M.P.C.Act). Learned AGP submits that the Petitioner ought to have filed an Appeal under Section 52B of the A.P.M.C.Act before the Director of Marketing.

4. Learned AGP, on instructions, states that as far as the first notice dated 29th April 2025, which is at Exhibit 'A' at page 19 of the Petition is concerned, the Petitioner has already filed an Appeal under Section 52B of the A.P.M.C.Act raising the very same objections as raised in the present Petition, i.e., the Respondent No.7 had no authority to issue any such notice convening the meeting. He states that the Director of Marketing will be passing an appropriate order on the said Appeal filed by the Petitioner on Monday, i.e., 23rd June 2025 by 11:00 a.m. Statement accepted.

5. Since the Petitioner has an alternate efficacious remedy and because of constraint of time, the present Petition filed in this

Court be treated as an Appeal filed under Section 52B of the A.P.M.C.Act before the Director of Marketing. Learned AGP as well as learned counsel for the Petitioner to forthwith forward a copy of this Petition to the Director of Marketing, Nashik by 2:00 p.m. today, so as to enable the Director of Marketing to consider the interim relief sought in this Petition, if possible.

6. Needless to state, that it is open for the Petitioner and parties to appear before the Director of Marketing, Nashik today for hearing on interim relief, even through video conferencing.

7. The Petition is disposed of on the aforesaid terms.

8. We make it clear, that we have not gone into the merits of the Petition and as such, keep all contentions of all the parties on merits open.

9. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)