

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.5008 OF 2025

(Narendra Dajiba Hemane Vs. State of Maharashtra and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Onkar A. Ghare, Advocate for Petitioner.
Mrs. Mrunal S. Naik, AGP for Respondent No.1/State.

CORAM: ROHIT W. JOSHI, J.

DATE: 2nd SEPTEMBER, 2025.

1. Heard.
2. The petitioner is Member of Market Committee of Agriculture Produce Marketing Committee, Nagbhid, District Chandrapur. An order of disqualification is passed against the petitioner invoking Rule 10 (1)(k) of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017, in view of Section 24 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 which provides that a Chairman, Vice Chairman or a Member of Market Committee shall cease to hold office if he absents himself from three consecutive meetings of the Market Committee without leave of the Market Committee. The contention of Mr. Ghare, the learned counsel for the petitioner is that Section 24 is not a provision for disqualification and therefore, Rule 10 (1)(k) of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules

could not have been invoked.

3. The learned AGP raises a preliminary objection that the petitioner has alternate remedy of filing appeal under Section 52 B against the impugned order. Mr. Ghare states that the order is without jurisdiction the petition should be entertained despite the alternate remedy. The argument of the learned counsel for the petitioner *prima facie* appears to be contrary to the stand taken in the earlier petition i.e. Writ Petition No.4565/2024. The preliminary objection is upheld, writ petition is disposed of with liberty to the petitioner to avail alternate remedy of filing statutory appeal. At this stage, Mr. Ghare states that meeting for filling up the vacancy that has arisen on account of the interim order it scheduled to be held tomorrow i.e. on 03.09.2025. Any decision to be taken in the meeting to be held on 03.09.2025 will be subject to the outcome of the appeal. The appeal, if filed be decided within a period of thirty days from the date of institution of the appeal.

4. Parties to act on steno copy.

(ROHIT W. JOSHI, J.)