



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

WRIT PETITION NO. 204 OF 2024

1. Abhishek S/o Shankarrao Thakare
Aged about 42 years, Occ: Agriculturist
R/o Village – Aamdi, Post – Shirol,li,
Tahsil – Ghatanji, Dist. Yavatmal.
2. Ashish S/o Sureshbabau Lonkar
Aged about 40 years, Occ: Agriculturist
R/o Village & Post – Shirol,li,
Tahsil – Ghatanji, Dist. Yavatmal.
3. Gunwant s/o Champat Lengure
Aged about 42 years, Occ: Agriculturist
R/o Village – Manoli, Post Anji (N.),
Tahsil – Ghatanji, Dist. Yavatmal.
4. Ashish s/o Madhavrao Bhoyar
Aged about 37 years, Occ: Agriculturist
R/o Village & Post Anji (N.),
Tahsil – Ghatanji, Dist. Yavatmal.
5. Kailas s/o Dadarao Korwate
Aged about 46 years, Occ: Agriculturist
R/o Village & Post – Shirol,li,
Tahsil – Ghatanji, Dist. Yavatmal.
6. Akbar s/o Yusuf Tawwar
Aged about 55 years, Occ: Business
R/o Village & Post – Ghatanji,
Tahsil – Ghatanji, Dist. Yavatmal.
7. Arvind S/o Sardar Jadhav
Aged about 45 years, Occ: Business
R/o Village & Post – Ghatanji,
Tahsil – Ghatanji, Dist. Yavatmal.
8. Ramesh s/o Ganpat Dambhare
Aged about 55 years, Occ: Agriculturist
R/o Village Aamdi, Post – Shirol,li,
Tahsil – Ghatanji, Dist. Yavatmal.

....PETITIONERS

...VERSUS...

1. The Additional Joint Registrar,
Co-operative Societies, Amravati,
Office at Sahakar Sanku, Kanta
Nagar, Old By-pass Road, Amravati.
[Email – djr_amravati@rediffmail.com]
2. The District Deputy Registrar,
Co-operative Societies, Yavatmal
Office at Sahakar Bhawan, Tahsil
Square, Yavatmal – 445 001.
[Email – ddr_yml@rediffmail.com]
3. Shri S.V. Kulmethe,
Co-operative Officer Class-1,
appointed as Authorized Officer
for Agriculture Produce Marketing
Committee, Ghatanji, District Yavatmal,
Office at Ghatanji, District Yavatmal.
4. Agriculture Produce Marketing
Committee, Ghatanji, District Yavatmal,
through its Secretary,
Office at Ghatanji, Tahsil Ghatanji,
District Yavatmal.
5. Nitin S/o Ashok Kothari,
Aged major, Occ: Business,
R/o Village Bhambora, Tahsil – Ghatanji,
District Yavatmal
[Mob. No. 9404559999]
6. Sachin S/o Subhashchandra Deshmukh,
Aged major, Occ: Agriculturist,
R/o Village Parwa, Tahsil – Ghatanji
District Yavatmal.
[Mob. No.8806981685]

...RESPONDENTS

Shri Akshay Naik, Senior Advocate assisted by Shri V.V. Joshi, Advocate
for petitioners.

Shri C.A. Lokhande, A.G.P. for respondent nos.1 & 2.

Shri A.M. Ghare, Advocate for respondent nos.4 to 6

CORAM:- M.W. CHANDWANI, J.
RESERVED ON : 10.02.2026
PRONOUNCED ON: 09.04.2026

JUDGMENT:

. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsels appearing for the parties.

2. Whether the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017 (for short, “**Rules of 2017**”) are applicable to the election of Chairman and Vice-chairman of a market committee, is the question raised in this petition.

3. The petitioners are committee members of Agricultural Produce Market Committee (APMC), Ghatanji which comprises of 18 members. By Notification dated 08.05.2023, the election results of APMC, Ghatanji were declared by respondent No.2 – District Deputy Registrar (DDR). Respondent No. 2-DDR appointed respondent No. 3 – Cooperative Officer Class-1 to act as an authorized officer for conducting the election for the post of Chairman and Vice-Chairman of APMC, Ghatanji. On 08.05.2023, notice of the meeting for election of Chairman and Vice-Chairman was issued by respondent No.3 which was scheduled to be held on

15.05.2023. The petitioners had submitted a written application requesting to hold the election by way of the ballot paper; whereas, respondent nos.5 and 6 had moved an application for holding the election by way of show of hands. Respondent no.3 decided to hold the election by show of hands. Accordingly, respondent nos.5 and 6 were elected as Chairman and Vice-Chairman of APMC, Ghatanji respectively. The petitioners raised an objection to the election of Chairman and Vice-chairman before the respondent no.2-DDR, who dismissed the objection. Thereafter, two separate appeals were filed before the respondent no.1-Joint Registrar which also came to be dismissed. Feeling aggrieved with rejection of the appeals, the present writ petition came to be filed.

4. Though various grounds have been raised in this petition, the main thrust of the argument advanced by Shri Akshay Naik, the learned Senior Counsel appearing on behalf of the petitioners is that a meeting for the election of Chairman and Vice-Chairman of the APMC is governed by the Rules of 2017. Rule 36 of the Rules of 2017 prescribes that the election shall be held either by way of ballot paper or electronic voting machine. However, respondent No.2, in spite of the demand made by the petitioners

to hold the election of the Chairman and Vice-Chairman by ballot paper, decided to hold the election by show of hands. According to him, due to non-compliance of the mandatory provisions, the election of the Chairman and Vice-Chairman of APMC, Ghatanji held on 15.05.2023 is vitiated, but these aspects have not been considered either by respondent No.2 or respondent No.1 in objection as well as in appeals. Therefore, according to him, the orders impugned are against the mandatory provision of Rule 36 of the Rules of 2017 and therefore, they need to be quashed and set aside.

5. Shri A.M. Ghare, learned counsel appearing on behalf of respondent nos.4 to 6 submits that the meeting for election of Chairman and Vice-Chairman has to be conducted as per the Model Bye-laws of APMC, Ghatanji and not as per the Rules of 2017. According to him, the Rules of 2017 are exclusively applicable only to the election of the Market Committee and not to a meeting for the election of Chairman and Vice-Chairman of the APMC.

6. Indisputably, Rule 36 of the Rules of 2017 provides that elections are to be held either by voting through ballot paper or by electronic voting machine. The question here is whether Rule 36 is

applicable to election of the Chairman and Vice-Chairman of the APMC.

7. To support his argument, Shri Naik, learned Senior Counsel placed reliance on the Marathi version of Notification dated 18.12.2017 issued to promulgate the Maharashtra Agriculture Produce Market Committee (Election to Committee) Rules, 2017. On the contrary, Shri Ghare, learned counsel placed reliance on the English version of the same Notification.

8. The definition of election is provided under sub-rule (9) of Rule 2 in the English version as well as in the Marathi version of the notification. It appears that there is anomaly in the definition provided in the two versions. In the Marathi version, the definition of 'election' includes the election of the office bearers of the APMC; whereas, English version of the same notification does not include the election of the office bearers of the APMC in the definition of election. For ready reference, the definition of 'election' in both the versions is reproduced as under:

“२. व्याख्या - या नियमांत संदर्भानुसार दुसरा अर्थ अपेक्षित नसेल तर -

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(९) 'निवडणूक' याचा अर्थ, कृषि उत्पन्न बाजार समितीच्या, समितीस किंवा समितीच्या सदस्यांना आणि पदाधिकाऱ्यांना निवडून देण्यासाठी घेतलेली निवडणूक, असा आहे ;

2. Definitions. - In these rules, unless the context requires otherwise, –

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(9) “election” means an election to elect a Committee or committee member of a Market Committee;”

9. To find out whether the Rules of 2017 are applicable to the election of the office bearers of the APMC, I have gone through the entire Rules of 2017. Rule 2 provides for the definitions; whereas, Rule 3 provides for the powers of the State Co-operative Election Authority to hold election of the Market Committee. Part II of the Rules of 2017 contains rules for preparation of constituency and voters' List. Part III provides for the rules regarding qualifications and disqualifications of being a member of the Market Committee. Part IV provides for the administrative machinery for conducting the election of the Market Committee. Part V provides for declaration of election program including nomination, providing symbol, withdrawal of nomination and publication of valid nominations as well as appointment of election agents and counting agents. Part VI provides for the secrecy of voting. Part VII provides for the manner in which the vote is to be casted. This Part contains Rule 36 which provides that the vote is to be casted either by a ballot paper or by electronic voting

machine. It also provides for the arrangement at the polling booth and preparation of ballot box. Part VIII provides for counting of votes and declaration of result. Part IX provides for the submission of election expenses. Part X provides the manner of publication of names of elected candidates. Part XI provides for custody and disposal of election papers and lastly, Part XII provides for the procedure for filling vacancies due to death or resignation (casual vacancies). Thus, these rules do not provide any procedure for conducting the meeting of the election of the Chairman and Vice-Chairman. Model Bye-laws of the APMC provide that the elections of the Chairman and Vice-chairman are to be conducted by convening a special meeting for the same. The Rules of 2017 are applicable to general election to Market Committee. This is also fortified by the fact that by the same notification, the rules governing procedure up to general election to Market Committee are deleted from the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967.

10. In view of the above, I find support in the argument of Shri Ghare, learned counsel, that the Rules of 2017 are not applicable to the election of Chairman/Vice-chairman of Market Committee and the same has to be conducted by calling a special meeting.

11. Shri Naik, learned Senior Counsel would submit that in case there is a question of interpretation between two versions in two different languages of the same notification, the Marathi version of the same shall prevail in the State of Maharashtra. Let me state here that, in the present case, the word 'पदाधिकारी' which means 'office bearers' is present in the Marathi version and absent in the English version. Here the question is not with respect to interpretation of any ambiguous word which is appearing in two different languages. Here, one word 'पदाधिकारी' which is present in the Marathi version of the notification is completely missing from the English version, which denotes that there is a mistake or an error in either of the notifications. Therefore, the submission that the Marathi language would prevail will not assist the petitioners. Here the question is not about interpretation of any word based on translation.

12. Learned Senior Counsel for the petitioners further submits that Section 22 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 provides that an officer below the rank of Assistant Registrar of Cooperatives Societies cannot be appointed as an authorized officer for calling a meeting for election for the post of the Chairman and Vice-

chairman. A person holding the office lower than the post of Assistant Registrar of Cooperative Societies cannot preside over the election. Respondent no.3 is admittedly working on the post of Cooperative Officer, Class-1. The said post is admittedly subordinate to the post of Assistant Registrar of Cooperative Societies. It will be worthwhile to mention here that respondent no.3 was holding the charge of Assistant Registrar at the relevant time and therefore, he was appointed as Authorized Officer. The order dated 08.05.2023 clearly states that respondent no.3, who is currently holding the charge of Assistant Registrar of Cooperative Societies, Ghatanji, District Yavatmal is being appointed as the Authorized Officer to conduct the election of Chairman and Vice-chairman of APMC, Ghatanji. Therefore, there is no question of respondent no.3 not being eligible to conduct the election.

13. Thus, I am not in agreement with learned Senior Counsel Shri Akshay Naik that the Rules of 2017 are applicable to a meeting held for conducting election of the Chairman and Vice-chairman of the APMC. It appears that there is anomaly in the Notification dated 18.12.2017 published in Marathi in which, in the definition of 'election', office bearers of the APMC have been included, which is absent in the English version of the same

Notification. Perhaps, there appears to be an inadvertent mistake in the Marathi version of the Notification dated 18.12.2017 on the part of State Government, which is required to be corrected by the State to avoid confusion.

14. To sum up, the petition is devoid of merits and hence, it is dismissed.

15. The Ministry of Cooperation, Marketing and Textiles Department is directed to bring this anomaly to the knowledge of the State Government and the State Government shall take corrective measures as early as possible so that the confusion among the citizens is settled at the earliest.

16. A copy of this order be sent to the Ministry of Cooperation, Marketing and Textiles Department, Mantralaya, Mumbai.

17. Learned Government Pleader to do the needful.

Rule is discharged.

(M.W. CHANDWANI, J.)

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