



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

WRIT PETITION NO.1143 OF 2026

Ajay S/O Ganpat Raut **Vs.** State Of Maha., Thr. Prin. Secretary, Dept. Of
Co-Operation, Textiles And Marketing Mumbai And Ors.

WITH

WRIT PETITION NO.67 OF 2026

Ahmadbhai Karimbhai Sheikh And Others **Vs.** State Of Maha.,Thr. Prin.
Secretary, Dept. of Co-Operation, Textiles & Marketing, Mumbai & Ors.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.M. Ghare, Advocate for the Petitioners in both the petitions.

Mr. N.S. Rao, AGP for Respondent Nos.1 and 2/State in both the petitions.

Mr. V.M. Gadkari, Advocate for Respondent No.3 in WP No.1143/2026.

Mr. S.S. Shingane, Advocate for Respondent No.3 in WP No.67/2026.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 03rd JUNE, 2026

CIVIL APPLICATION NO.1241 OF 2026 IN
WRIT PETITION NO.67 OF 2026

1. This is an application for amendment filed by the applicants/petitioners seeking amendment of the Writ Petition to incorporate certain contentions about subsequent events and to raise certain additional grounds. The petitioners have also prayed for the incorporation of the new prayer clauses as mentioned in the present application.

2. The copy of application is served upon the learned counsels for respondents, today only.

3. Learned counsels for the respondents have no-objection to the application seeking amendment.

4. Considering the fact that the petition is not yet admitted and in view of the no-objection given by the learned counsels for respondents, the civil application is **allowed**. Petitioners are permitted to carry out the necessary amendment within a period of one week from today.

WRIT PETITION NO.67 OF 2026

5. In view of the amendment application, the learned counsel for the petitioners has pressed for grant of ad-interim stay to the effect and operation of the Notification dated 02.06.2026 issued by the State Government thereby, declaring the Agricultural Produce Market Committee, Nagpur, as Market of National Importance.

6. The arguments are advanced by the learned counsel for petitioners as well as learned AGP, on the petitioners' prayer for grant of ad-interim stay to the notification dated 02.06.2026. The petitioners' primary contentions is that the notification is issued by the State Government without there being any Rules in force to regulate the Market of National Importance, as required by Sub-Section (2) of Section 5-1A of the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment Act), 2025 (for short "the Amendment Act, 2025"). He also submitted that by virtue of the Notification dated 02.06.2026, the existing Market Committee of the Agricultural Market Produce Committee (APMC) shall cease to function in view of Sub-Section (5) of Section 5-1B of the Amendment Act, 2025.

7. It is his submission that as a consequence of the said notification, there is a likelihood of further decision of appointment of an Administrator under Section 15A of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (for short "the Act, 1963"). On these grounds, the learned counsel for petitioners prays for grant of ad-interim relief to stay the Notification dated 02.06.2026. It is also his submission that although the notification under Section

5-1A of the Amendment Act, 2025, is issued by the State Government, there is no Market Committee as required under Section 5-1B of the Amendment Act, 2025, for regulating the Market of National Importance. He submitted that the procedure for issuing notification as required by law is not followed and therefore, the notification need not be given effect. Therefore, the issuance of the impugned notification in haste without all these compliances is unsustainable in law, particularly, when the vires of Sections 5-1A, 5-1B and 5-1C of the Amendment Act, 2025 is already under challenge by way of the instant petition.

8. Learned counsel for the petitioners fairly submits that although a statement is made in the civil application that the Government has not filed its reply to the petition, he submitted that upon verification of the record, it is revealed that the reply is already filed and therefore, he seeks liberty to withdraw the said statement. Accordingly, the petitioner is permitted to withdraw the said statement.

9. Advocate Mr. Shingane, appears on behalf of respondent No.3 and supports the contentions canvassed on behalf of petitioners.

10. As against this, learned AGP Mr. Rao, appearing for respondent Nos.1 and 2 vehemently opposed the prayer for grant of ad-interim stay to the Notification dated 02.06.2026. He submitted that the notification is issued in accordance with Section 5-1A of the Amendment Act, 2025 and requisite procedure is followed. He further submitted that although the vires of Section 5-1A and other provisions are challenged by way of the instant petition, the petition is not yet finally decided and the provisions are still in-force. He also submitted that the

Government has already filed its affidavit in reply on 27.01.2026 and still the petitioners have not taken any steps to get the petition circulated. He also invited my attention to the order dated 06.01.2026, by which notice was issued to learned Advocate General of Maharashtra. Therefore, he prays for grant of time to file affidavit in reply to the amended petition as well as the amended prayer clauses.

11. This petition is filed by the petitioners, who claim to be the Executive Committee Members of the Agricultural Market Produce Committee (APMC), Nagpur. By this petition, the petitioners have challenged the vires of Sections 5-1A, 5-1B and 5-1C of the Amendment Act, 2025. On 06.01.2026, the notices were issued by this Court and notice was also directed to be issued to learned Advocate General of Maharashtra.

12. The record reveals that the petitioners failed to supply the copies for effecting service upon the learned Advocate General of Maharashtra, as can be seen from the Office Endorsements dated 19.01.2026 and 25.02.2026. Apart from this, after 06.01.2026, the matter was not circulated by the petitioners till today. During the vacation, a request was made for taking-up the matter by way of urgent circulation and in this background, the matter is taken-up for consideration.

13. As regards the arguments for grant of interim relief to stay the Notification dated 02.06.2026, it has to be noted that the notification was issued on 02.06.2026 i.e. yesterday and the challenge is raised by the amendment application, copy of which is served upon the respondents, today only.

14. Further, it has to be noted that the provisions of Sections 5-1A, 5-1B and 5-1C of the Amendment Act, 2025, are there on the statute book and the notification is issued by the State

Government in exercise of powers under Section 5-1A of the Amendment Act, 2025.

It has to be noted that the issue as to whether the Government has followed the entire procedure as required before the issuance of notification can be decided only after the Government files its reply and places on record, the entire material in this regard. At this stage, in absence of any material, no conclusion can be drawn that the requisite procedure is not followed.

15. Further, the issuance of notification in accordance with Section 5-1A will have certain consequences as per law, and the notification cannot be questioned on that count. It is for the Government to frame appropriate Rules and constitute a Market Committee to regulate the working of Market of National Importance, as per Sections 5-1A and 5-1B of the Amendment Act, 2025.

16. At this stage, no conclusion can be drawn that the notification dated 02.06.2026 under Section 5-1A of the Amendment Act, 2025, is issued by the State Government, without following the necessary procedure thereby, making the notification illegal warranting any stay to the notification. Hence, I am not inclined to grant any interim stay to the notification, at this stage.

17. In view of above, list the petitions on **10.06.2026**, for further consideration.

(PRAFULLA S. KHUBALKAR, J.)

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