
(2011) 07 BOM CK 0169
In the Bombay High Court
Case No : Writ Petition No. 2178 of 2011

Ashok Thakre

APPELLANT

Vs

State of Maharashtra and Others

RESPONDENT

Date of Decision : 20-07-2011

Acts Referred:

Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 — Section 14(3)

Citation : (2012) 1 ALLMR 348 : (2012) 2 BomCR 391 : (2011) 6 MhLj 560

Hon'ble Judges : R.M. Savant, J

Bench : Single Bench

Advocate : A.P. Tathod, for the Appellant; P.V. Bhoyar, Assistant Government Pleader for respondent Nos. 1 to 4 and S. Paliwal for respondent Nos. 5 and 6, for the Respondent

Judgement

R.M. Savant, J.—Rule, with the consent of the learned Counsel for the parties made returnable forthwith and heard.

2. The above petition takes exception to the order dated 29-4-2011 passed by the State Government in exercise of powers conferred by section 14(3) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963. By the said order, the elections of the Managing Committee of the Agricultural Produce Market Committee, Digras, District Yavatmal were directed to be completed by 7th August, 2011 and the term of the Managing Committee came to be extended till the new Managing Committee comes into office.

3. Shorn of unnecessary details, a few facts necessary for the adjudication of the petition can be stated thus :

The term of the Managing Committee of the Agricultural Produce Market Committee, Digras, i.e. respondent No. 6 herein was to come to an end on 7-2-2011. It appears that prior thereto, the Managing Committee passed a Resolution on 7-9-2010 seeking extension of the term of the Managing Committee on the ground that it would not be possible to hold elections on

account of unseasonal rains and the resulting calamities. The said Resolution was forwarded to the State Government by the respondent No. 6. The State Government vide order dated 16-11-2010 extended the term of the Managing Committee by a period of six months. This resulted in the petitioner filing Writ Petition No. 154/2011. The W. P. No. 2178 of 2011 decided on 20-7-2011. (Nagpur) said writ petition came to be allowed by a learned Single Judge of this Court by order dated 21-2-2011 and the order dated 16-11-2010 came to be set aside. Thereafter on 24-2-2011, an Administrator came to be appointed in view of the fact that the extension granted came to be set aside. The said Administrator took charge of the Society on 25-2-2011.

4. Aggrieved by the order dated 21-2-2011 passed by the learned Single Judge, the Agricultural Produce Market Committee filed a Letters Patent Appeal No. 93/2011, which was disposed of by a Division Bench of this Court by setting aside the order of the learned Single Judge and directing the State Government to consider the aspect of extension to the Managing Committee afresh. Insofar as the challenge to the appointment of the Administrator is concerned, the Division Bench permitted the Agricultural Produce Market Committee to raise a separate challenge to the said appointment.

5. On remand, the State Government by the impugned order dated 29-4-2011 has granted extension to the Managing Committee on the ground that on account of natural calamity, it would not be possible to hold the elections. By the said order, the District Deputy Registrar has been directed to complete the election process by 7-8-2011 and see to it that a new Managing Committee is in place. It is further ordered that till the new Managing Committee is in place, the present Managing Committee would continue.

6. The said order dated 29-4-2011 has been challenged by the petitioner on the ground that on 24-2-2011, the Administrator has already been appointed and he has also taken over charge on 25-2-2011 and, therefore, the State Government could not have granted extension to the Managing Committee as the Managing Committee, in fact, was not in existence. The learned Counsel would contend that the reasons for extension, which have been mentioned in the impugned order dated 29-4-2011 cannot be countenanced.

7. During the course of hearing of the above petition, the learned Assistant Government Pleader pointed out that the election programme is in progress and is presently at the stage where scrutiny of the nominations has been completed on 18-7-2011 and the final list of valid nominations has also been published on the same day.

8. In my view, though much can be said in favour of either side, considering the fact that the Managing Committee, pursuant to the impugned order dated 29-4-2011, has assumed office once again on 30-4-2011 and at present is functioning, it would be just and proper to allow the said Managing Committee to function till such time as the new Managing Committee is in place pursuant to

the elections that would be held in terms of the election programme now in progress. The Authorities are, therefore, directed to see to it that the ongoing election programme is completed in time so that the new Managing Committee is in place at the earliest and as directed by the impugned order, by 7-8-2011. In view of the fact that the election programme is on-going, it is expected of the present Managing Committee that no policy decisions are taken by it till the new Managing Committee is in place, as the present Managing Committee is already on an extension on account of the impugned order dated 29-4-2011.

9. In the light of the aforesaid, there is no warrant to interfere in the writ jurisdiction. The Rule to stand disposed of in the aforesaid terms. No order as to costs.