

(2023) 03 BOM CK 0104
In the Bombay High Court
Case No : Writ Petition No.1751 Of 2023

Siddiq Gani Choudhari

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 27-03-2023

Acts Referred:

Maharashtra Agricultural Produce Market Committee (Election To Committee) Rules,
2017 — Rule 6, 7
Maharashtra Agricultural Produce Marketing (Development And Regulation) Act, 1963
— Section 13(1)(b)

Citation : (2023) 03 BOM CK 0104

Hon'ble Judges : Arun R. Pedneker, J

Bench : Single Bench

Advocate : S. S. Thombre, K. B. Jadhavar, V. H. Dighe, V. D. Sapkal, S. R. Sapkal

Final Decision : Dismissed

Judgement

Arun R. Pedneker, J

1. Heard.

2. Rule. Rule returnable forthwith. With consent of parties, matter is taken up for final hearing.

3. By the present petition the petitioner has taken exception to the order dated 02.12.2022, passed by respondent no.3 rejecting the objection raised by the petitioner to the provisional voters list of traders constituency of the APMC. The facts leading to the filing of the petition can be summarized as under.

4. Respondent No.2 published notification dated 04.11.2022 for finalization of voters list for conducting election of the board of directors of the APMC (Newasa) for the terms 2022-2023 to 2027-2028. As per the said notification the provisional list was published. The objections were invited to the same by 23.11.2022. 07.12.2022 was the last date for publication of the final voters list. The provisional voters list consist of 407 voters for traders constituency

published by respondent no.3. In the said provisional voters list the name of the petitioner is figured at serial no.95.

5. The petitioner raised objection to the provisional voters list that there are various members who did not transact any business with respondent no.4 committee for the last 2 years and their names be deleted. The notices were issued that the objection and the respondent no.4 APMC submitted it's reply. After considering reply of the APMC and the objection raised by the petitioner by order dated 02.12.2022, the election authority dismissed the objection raised by the petitioner. The election authority held that members against whom objections are raised have license and also the licenses are renewed. The Respondent No.2 has held that the license and / or renewal granted cannot be examined by the election officer and that if there is erroneous grant or renewal of license, the same ought to have been challenged before the authorities constituted under the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963.

6. Today, in Writ Petition No.516 of 2023 (Yogeshwar Prabhakar Marathe and others Vs. The State of Maharashtra and others), I have held that scope of enquiry under Rule 7 of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017 is limited and summary in nature. I have also held that the claims and objections raised under Rule 7 of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017 can be decided by the election officer only summarily. The election authority under Rule 7 of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017 can verify whether the trader has license for two years as required under Section 13(1)(b) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 to be included in the voter list read with Rule 6 of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017. The inquiry is summary in nature and very limited. The authority cannot go into the validity of grant of license and as such the election authority has rightly not gone into the issue of the validity of renewal of license of the trader in the provisional voters list.

7. In view of the Judgment in Writ Petition No.516 of 2023 (Yogeshwar Prabhakar Marathe and others Vs. The State of Maharashtra and others) that there is very limited scope of enquiry under Rule 7 of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017, the impugned order has rightly not accepted the objection raised by the petitioner.

8. However, it is clarified that in the event the petitioner seeks to challenge the renewal of license, the same liberty is reserved for the petitioner to challenge the same by initiating appropriate proceedings under the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 or file any other proceedings as may be available in law.

9. In view of the same, the writ petition stands dismissed. Rule is discharged.