



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 9570 OF 2025

Chakradhar Gulabrao Poul

VERSUS

The State Of Maharashtra And Others

...

Advocate for the Petitioner : Mr. D.A. Mane h/f N.R. Pawade

AGP for Respondents: Mr. S.P. Joshi

Advocate for Respondents 5-8 : Mr. V.D. Salunke

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 08, 2025

PER COURT :-

1. Heard learned advocate appearing for the petitioner and Mr. Salunke, learned advocate appearing for respondent nos.5 to 8.
2. Issue notice to the Respondents, returnable after four weeks.
3. Mr. Mane, learned advocate appearing for petitioner submits that petitioner was served with a show cause notice under section 53 of the Maharashtra Agricultural Produce Marketing Committee (Development and Regulation) Act and Rules (for short APMC Act) and based on such show cause notice, impugned order is passed, thereby removing him from

the post of Chairman. He would submit that petitioner had challenged the aforesaid order before Joint Registrar, however, he refused to entertain the revision application on the ground that appeal under section 52-B of the APMC Act was available and petitioner has failed to exhaust such remedy. Mr. Mane relying upon judgment of this Court in case of **Dr. Dipraj P Ilamkar Vs. Agriculture Produce Market Committee and others** reported in **2019 (1) ALL MR 835** submits that since the order of removal is passed by the District Deputy Registrar, Co-operative Societies, Parbhani in exercise of delegated powers of the State Government, appeal under section 52-B of the APMC Act cannot be the remedy. He would therefore urge to entertain present writ petition on merits and pass further orders.

4. Mr V.D. Salunke, learned advocate appearing for respondents concedes legal position as per judgment of this Court in case of Dr. Deepraj (supra) and accepts legal position that appeal under section 52-B would not be available to the petitioner. However, he endeavors to point out that impugned order is passed on inquiry report of 3 Members Committee, wherein incompetency of the petitioner is recorded.

5. On prima facie consideration of the material on record, writ petition requires hearing at admission stage. Therefore, parties are put to the notice that writ petition may be heard finally at the stage of admission, on returnable date.

6. Hence, till the returnable date, there shall be interim relief in terms of prayer clause "D".

(S. G. CHAPALGAONKAR)
Judge

...

aaa-