

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).22350-22351/2005

(From the judgement and order dated 26/08/2004 in WP No.4529/2003 and final order dated 19/09/2005 in WP No.4778/2005 of The HIGH COURT OF BOMBAY AT NAGPUR)

SUNIL Petitioner(s)

VERSUS

COLLECTOR, GONDIA & ORS. Respondent(s)

(With appln.(s) for intervention, directions, exemption from filing O.T., prayer for interim relief and office report)

Date: 09/12/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s) Mr. Ashok A. Desai, Sr. Adv.  
Mr. Satyajit A. Desai, Adv.  
Ms. Anagha S. Desai, Adv.  
Mr. Venkateswara Rao Anumolu, Adv.

For Respondent(s) Mr. Harish Dangre, Adv.  
Mr. Anand Deshmukh, Adv.  
Mr. Manish Pitale, Adv.  
Mr. C.S. Ashri, Adv.

For Intervenor(s)

Mr. Sunil Kumar Verma, Adv.

UPON hearing counsel the Court made the following

O R D E R

Application for intervention is dismissed.

The learned counsel for the respondents pray and is granted for

the said application. The learned counsel for the respondents pray and is granted for  
the said application. The learned counsel for the respondents pray and is granted for  
the said application. The learned counsel for the respondents pray and is granted for

within two weeks thereafter.

...2/-

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The main question in issue is whether an agriculturist in order to be eligible to contest for the post of marketing committee, as provided under Section 13(1)(a) of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, has to be a voter in the list of voters for the said agriculturist constituency. By the impugned judgement, the High Court has held that an agriculturist, who is not such a member, is ineligible to contest the elections of the Agricultural Produce Marketing Committee. The election schedule has been announced. Another Division Bench of the High Court has expressed doubt about the view taken by the Division Bench in the impugned judgement and the matter has been referred to the Full Bench. We have been informed that the Full Bench has heard the arguments and the judgement is reserved. The last date of filing nomination is 24th December, 2005. A possibility cannot be ruled out that even if the Full Bench holds the agriculturists to be eligible, the matter may still be carried to this Court by the other group and the matter may have to be ultimately determined by this Court. Under these circumstances, it is expedient to stay the elections of Agricultural Produce Marketing Committee. We order accordingly.

I.A. Nos.6-7 are disposed of in view of the aforesaid orders.

Parties are granted liberty to move appropriate application when the matter is decided by the Full Bench of the High Court.

[ T.I. Rajput ]

A.R.-cum-P.S.

[ V.P. Tyagi ]

Court Master