

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).4728 OF 2012
(arising out of SLP(C)No.17546 of 2012(CC 9223/2012))

State of Madhya Pradesh and others Appellant (s)

VERSUS

Ratan Chand Jain Respondent(s)

O R D E R

Delay condoned.

Heard learned counsel for the parties and perused the record.

Leave granted.

Appellants, State of Madhya Pradesh and its functionaries, are aggrieved by order dated 15.2.2012 passed by Division Bench of the High Court of Madhya Pradesh at Jabalpur in Appellants' Review Petition No.71 of 2012. Appellants have been directed by the impugned order to hold elections of the Mandi Samiti throughout the State by the end of June, 2012 and in any case not later than 30th of June, 2012.

Mr. Vivek Tankha, learned senior counsel appearing for the Appellants contended that there has been huge production of wheat in the State and its storage is the first priority so that it may not get spoiled. Thus, it has great

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difficulty in storage of the same. It was also contended that once the rainy season starts from the middle of June, then it will further be difficult to store the food grains, which have been produced by the agriculturists. It was submitted that if elections are held, then whole Government machinery would be busy in it, with the result food grains may get damaged. Looking to the various facts and features of the case, it has been prayed that the time of 30th June, 2012 fixed by the Division Bench may be reasonably extended.

Learned counsel appearing for the Respondent has opposed the prayer and contended that elections were to be held in the year 2010, but with some oblique motive State is not holding the same.

After having gone through the provisions of the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 and the Rules framed thereunder, we feel that time can still be extended. We

are also deeply concerned to see that food grains should not be lost due to elections. We of the considered opinion that

elections cannot be given priority over safety of food grains.

We feel that ends of justice would be met in extending the time. Thus, we direct that now the elections shall positively

be held by the Appellants, State of Madhya Pradesh and its

functionaries, by or before 31st of December, 2012. We are

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granting this liberty to the Appellants as a last indulgence and no further extension will be granted.

With the aforesaid directions, this Appeal finally stands disposed of.

.....J.
(DEEPAK VERMA)

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI,
MAY 21, 2012.

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ITEM NO.12

COURT NO.2

SECTION IVA

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)...../2012
CC 9223/2012
(From the judgement and order dated 04/01/2012 in WP No.1223/2011
and dated 15/02/2012 in RP No.71/2012 of The HIGH COURT OF M.P AT
JABALPUR)

STATE OF M.P.& ORS.

Petitioner(s)

VERSUS

RATAN CHAND JAIN

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 21/05/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
(VACATION BENCH)

For Petitioner(s) Mr. Vivek Tankha, Sr.Adv.
Mr. B.S. Banthia, Adv.
Mr. Rishabh Sancheta, Adv.
Mr. Purushendra Kausav, Adv.

For Respondent(s) Mr. Varun Thakur, Adv.
Mr. Varinder Kumar Sharma, A.O.R.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

In terms of signed order, the appeal stands
disposed of.

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(A.D. Sharma) (S.S.R. Krishna)
Court Master Court Master
(Signed Order is placed on the file)