

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.3943 OF 1997

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RAVJIBHAI JIVRAJBHAI KOTADIA

VERSUS

SAVJIBHAI SHAMBHUBHAI VISAVADIA & ORS.  
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Appearance:

Mr BM Mangukia for the Petitioner  
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CORAM: MISS JUSTICE R.M. DOSHIT

Date of Order: 27/05/97

ORAL ORDER

The petitioner is a member of the respondent No.3-Committee and challenges the process of election of Chairman of the Committee which is scheduled today at 11.00 O'clock. The gravamen of the petitioner's grievance is to the effect that the respondents No.1 and 2 have ceased to be the members of the respondent No.3-Committee and therefore they cannot be permitted to function as members of the Society. It is the case of the petitioner that the respondent No.1 was elected to the Committee being a licenced trader, however his licence expired on 30th November, 1996, and in view of the provisions contained in Section 14 of the Gujarat Agricultural Produce Market Committee Act, 1963, he ceased to be a member of the Committee. The respondent No.2 was admitted to the membership from amongst the constituency of co-operative marketing societies, he being a member of one Rajgadh Telibiya Utpadak Sahakari Mandli Ltd. The said Society has been wound-up and its registration is cancelled sometime in the month of February 1997. Thus, the respondent No.2 has also ceased to be a member of the Market Committee and cannot be permitted to function as a member of the Committee. The dispute is pending before the respondent No.6.

2. By order dated 26th May, 1997, the petitioner's prayer for interim order restraining the respondents No.1 and 2 herein from functioning as members of the Committee has been rejected. In view of the dispute being pending before the competent authority, I do not intend to interfere at this interlocutory stage. Petition is therefore summarily rejected.

Dt.:27.5.97

(Ms.R.M. Doshit, J.)