

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5784 OF 2015

Maneksha Machstya Vavyasaik
Sahkari Sanstha Ltd., Beed .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. T. Nagargoje, Advocate for the Petitioner.
Smt. S. A. Dhumal, A.G.P. for Respondent Nos. 1 to 4.
Shri P. S. Dighe, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.
DATE : 25TH JUNE, 2015.**

PER COURT :

. The petitioner is aggrieved by the order dated 08.05.2015 passed by the Commissioner Fisheries thereby cancelling extension granted in favour of the petitioner.

2. Mr. Nagargoje, the learned counsel for the petitioner states that, the petitioner was granted extension of one year for fishing on Majalgaon tank. The said period was upto 30.06.2015. There were litigations going on. This Court vide order dated 24.02.2015 had directed the respondent No. 2/Commissioner of Fisheries to hear the petitioner and then only to pass the order on the application/complaint filed by the local fishermen. The

complaint was only on the ground that, local fishermen are not allowed to do fishing. The hearing was limited to that extent. However, the Commissioner of Fisheries has cancelled contract in favour of the petitioner and allowed one Zinga Bhoi Fishing Co-operative Society to do the fishing. According to the learned counsel, the same was beyond the purview of the jurisdiction of the complaint. The learned counsel submits that, the contract of the petitioner is upto 30.06.2015. The same could not have been curtailed. At the most the order to the extent of local fishermen could have been passed. Even no time limit is mentioned for allowing said Zinga Bhoi Fishing Co-operative Society allowing to do fishing in the said tank. According to the learned counsel reasons given are absolutely erroneous. In fact orders of the Court are stated.

3. Mr. Dighe, the learned counsel submits that, the petitioner had played fraud at the time of obtaining the extension of contract by submitting that the level of water is 1.5 meters from the canal level, which has been considered by the Commissioner while passing the impugned order. The petitioner is not entitled for any relief, as fraud has been committed by the petitioner.

4. The learned Assistant Government Pleader submits that, the said Zinga Bhoi Fishing Society i. e. the respondent No. 5 is allowed to do fishing upto 30.06.2015 and the process has already started for issuing fresh tenders/contracts for fishing in the said

Majalgaon Tank. The said statement is made by the learned A. G. P. on the instructions of Mr. S. E. Kulkarni, Assistant Fisheries Development Officer, Regional Office, Aurangabad, who is personally present in the Court.

5. Even according to the petitioner the period of extension was upto 30.06.2015 hardly four days have remained. No fruitful purpose would be served by going through the merits of the matter and unsettling the position.

6. If the petitioner wants to claim any damages, it is at liberty to challenge the said order in appropriate proceedings.

7. As statement is made by the learned A. G. P. that the process for issuance of fresh tender over the said tank has already commenced, it would not be worthwhile to enter into disputed questions of fact and law, more particularly as contract of the petitioner was upto 30.06.2015 only.

8. With these observations, the writ petition stands disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]