

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

Writ Petition No. 6474 of 2014

Maneksha Maschya Vyavsaik Sahakari
Sanstha Maryadit, Bhat Wadgaon,
Taluka : Majalgaon, District : Beed,
Through its Chairman Iftekhan Abdul
Sattar, Age : 32 years,
Occupation : Fisherman And Chairman,
R/o. Bhat Wadgaon,
Taluka : Majalgaon,
District : Beed.

.. Petitioner.

versus

1. The State of Maharashtra,
Through the Secretary,
Milk, Animal Husbandry and
Fishery Department, Mantralaya,
Maharashtra State, Mumbai.
2. The Commissioner for Fishery,
Maharashtra State, Tarapourwala
Building, Maschyalaya, Netaji
Subhash Marg, Churni Road,
Mumbai.

.. Respondents.

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Mr. R.T. Nagargoje, Advocate, for the petitioner.

*Mrs. M.B. Gangwal (Patni), Assistant Government Pleader,
for respondent nos.1 and 2.*

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 24TH FEBRUARY 2015

PER COURT :

1. Heard Adv. Mr. R.T. Nagargoje appearing for the petitioner and learned AGP Mrs. M.B. Gangwal (Patni) appearing for the respondents.

2. This petition is filed with following prayers :

[C] By issuing writ of certiorari or any other appropriate writ, order or directions in the like nature, the impugned notice dated 17-7-2014 issued by the respondent no.2 - Commissioner for Fishery, Maharashtra State, Mumbai, thereby directing the petitioner Society to file reply within the period of 8 days may kindly be quashed and set aside.

[D] By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature, the respondent no.2 - Commissioner for Fishery, Mumbai, may kindly be directed not to pass any adverse order against the petitioner Society as per the notice dated 17-7-2014 without hearing to the petitioner Society.

3. It appears that this Court by order dated 28th July 2014, allowed the petitioner to file say to the show cause notice. The learned Counsel for the petitioner informs this court, that already say is filed to the show cause notice. In that view of the matter, so far prayer clause “C” is concerned, further adjudication of this petition is not necessary since the petitioner is allowed to file say to the show cause notice.

4. So far prayer clause “D” is concerned, we make it clear that the respondent no.2 - Commissioner for Fishery, Maharashtra State, Mumbai, shall not pass any order against the petitioner unless the petitioner is heard.

5. The learned Assistant Government Pleader appearing for the State submits that the application filed by some local fishermen would be decided by the Commissioner for Fishery, in accordance with law.

6. In that view of the matter, the petition stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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