

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7248 OF 2015

Jai Ambika Matchimar Sahakari
Sanstha Ltd., Kadgaon,
Tq.Tuljapur, District Osmanabad

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.T.Nagargoje, advocate for the petitioner
Mrs.M.A.Deshpande, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 21st July, 2015

PER COURT:

1 The petitioner is praying for issuance of directions to the Respondents to allow the petitioner society to conduct fishing activity in respect of Harne Kadgaon tank for further period of five years.

2 It is not a matter of dispute that the petitioner was having authorisation to conduct fishing activity in relation to the tank in question until June 2015. The petitioner claims that the petitioner society has tendered an application seeking extension for further period of five years in the month of April, 2015, however, the application has not yet been decided.

3 The policy decision taken by the State Government on 26.06.2014 came to be stayed, however, said stay has been

subsequently vacated. In view of clause 4.1 of the Government Resolution dated 26.06.2014, the irrigation tanks covering an area beyond 200.01 hectares, up to 1000 hectares shall have to be allotted primarily in favour of the Cooperative societies. If there are multiple cooperative societies registered within the area, fishing rights shall have to be allotted in favour of such of the society, which offers highest amount. If there is only one registered society, it would be open for the authorities of Fishery Department to allot fishing rights by inviting bids and on adoption of tender process.

4 In the instant matter, it is not a matter of dispute that petitioner society is the only registered society within the area. In this view of the matter, on consideration of clause 4.1 of the Government Resolution dated 26.06.2014, claim of the petitioner-society is not liable to be considered. Petition is devoid of substance.

5 Writ Petition stands dismissed.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE