

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7118 OF 2015

Proposed Krantiveer Tantyabhill
Adivasi Matsya Vyavsay Samaj
Magasvargiya Cooperative Society
Limited, Jalki Bazar, Tq. Sillod,
District Aurangabad.

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.A.R.Devkate, advocate for the petitioner
Mr.N.B.Patil, A.G.P. for Respondents.

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

DATE : 15th July, 2015

PER COURT:

1 The petitioner is seeking to quash auction notice dated 30.06.2015 issued by Respondent No.3 inviting tenders for allotment of fishing rights in respect of Dhamna Dam.

2 According to the petitioner, a proposal in respect of registration of the society, tendered by the petitioner, is under consideration of authorities of Cooperation Department. However, in the meanwhile, notice has been issued in respect of inviting tenders for allotment of fishing rights.

3 The petitioner contends that since authorities of the Cooperation Department have failed to take decision on the proposal tendered by the petitioner, the petitioner would be deprived of its participation in the tender process. The petitioner, as such, seeks direction either for quashing the tender process or for its postponement.

4 As per the policy prescribed by the State Government in Resolution dated 26.06.2014, the Irrigation tanks covering an area beyond 200 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 societies taking into consideration availability of water. If there is only one registered society, it is open for the authorities of Fishery Department to allot fishing rights by inviting bids and on adoption of tender process.

5 In the instant matter, it is disclosed that there is only one society registered within the area of the said dam and as such, decision has been taken to issue advertisement calling bids. The decision taken by the Fishery Department is in consonance with the policy prescribed by the State. Merely because an application tendered by the petitioner-society is under consideration of the authorities of the Cooperation Department, it cannot constitute a valid reason for issuance of directions to postpone entire process. It would be open for the members or promoters of the petitioner society to participate in the tender process in their individual capacity and on registration of the society, appropriate steps can be taken. The authorities of Cooperation Department are directed to expedite the proposal of issuance of certificate of registration, as requested by the petitioner.

Writ Petition is devoid of substance, as such, stands dismissed.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE