

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9159 OF 2014

Gangaputra Macchimar Sahakari

Sanstha Limited, Goundvadasa and others

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr.N.P. Patil Jamalpurkar advocate for the petitioners
Mrs. M.A.Deshpande AGP for Respondent No.1 to 5

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

Dated : 4th AUGUST, 2015.

PER COURT :-

1 The petitioner is taking exception to the Policy, formulated by the State Government, declared under the Resolution dated 2.8.2014. The State Government has taken a decision to transfer the water tanks or water storage tanks upto capacity of 100 hectors, to the village Panchayat,, so as to facilitate such Village Panchayats to conduct an auction, in respect of fishing rights and appropriate the income derived there-from.

2 The challenge raised to the Government Policy is not sustainable, in view of the Ordinance, issued by the State Government on 22.6.2015, where under section 4 of the Maharashtra Fisheries Act 1960 has been amended and provision has been made, in respect of transfer of minor water bodies, lying within the jurisdiction of Gramsabhas, to the said village Panchayat.

3 The another contention raised by the petitioner is that, the tenure, in respect of exercise of fishing rights, conferred under the order passed earlier, deserves to be protected. The petitioners contend that, they are entitled to exercise rights until the year 2017 and their entitlement is not affected, by virtue of amendment to the Maharashtra Fisheries Act 1960.

4 Mr. Suresh Ramchandra Bharati, Assistant Commissioner of Fisheries, Nanded, who is present before the Court, states that, the tenure of respective petitioners, granted under separate orders, issued in their favour, in respect of exercise of fishing rights, in relation to water bodies, would be protected. The statement made is accepted. The respondent authorities including the Assistant Commissioner of Fisheries shall take follow up action.

5 In view of above, writ petition stands disposed of.

(P.R. BORA, J)

(R.M.BORDE, J)