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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 3374 OF 2015

Gaji s/o Sadik Jahagirdar

.. Petitioner

Vs.

The State of Maharashtra and ors.

.. Respondents

Mr. Mateen Shaikh for petitioner.

Mr. P. P. Kakade, AGP for State.

CORAM: NARESH H. PATIL &
S. B. SHUKRE, JJ.

NOVEMBER 30, 2015.

P.C.

1. The petitioner challenges order passed on 11/1/2015 passed by respondent no.3 in favour of respondent no.5 allotting Kurnur Jalashay, Taluka – Akkalkot, District – Solapur for a period of five years with effect from 1/6/2013 to 30/6/2018.

2. Learned counsel appearing for the petitioner submits that the impugned order is contrary to the policy adopted by the State and the orders passed from time to time by the State and the Hon'ble Minister.

3. Affidavit-in-reply has been filed by the Assistant Commissioner of Fisheries, Solapur today. We have gone through the affidavit-in-reply. We find the affidavit-in-reply lacks clarity on the

relevant issues. We have heard learned AGP Shri Kakade.

4. The petitioner referred to various Government Resolutions. In the facts of the case, we are of the view that both the contesting parties and the concerned representative of respondent no.3 shall be heard by the Secretary, Department of Fisheries, State of Maharashtra.

5. We direct the Secretary, Fisheries Department, State of Maharashtra to hear the petitioner, respondent no.5 and representative of respondent no. 3 on the subject matter. We direct the Secretary to pass a brief reasoned order on the issues raised by the petitioner within three months from today. All issues on merit are kept open. Respondent No. 5 shall not claim any equity on the basis of the impugned order.

6. With the aforesaid directions, petition is disposed of.

(S. B. SHUKRE, J.)

(NARESH H. PATIL,J.)