

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10575 OF 2014
with
CIVIL APPLICATION NO.789 OF 2015

Neelkant Matsya Vyavsai Sahakari Sanstha
Maryadit.

... Petitioner.

Vs

1.The State of Maharashtra & Ors.

... Respondents

Mr.Shailendra S.Kanetkar, for the Petitioner.

Mr.A.I.Patel, AGP for Respondent Nos.1 to 4.

Mr.Tejas Dande with Mr.Bharat Gadhavi i/b. Tejas Dande & Co.,
for the Applicant in Civil Application.

**CORAM : S.C. DHARMADHIKARI &
G.S. KULKARNI, JJ.**

DATE : 11th JUNE, 2015.

P.C. :

1. Our attention is invited to two developments in this Writ
Petition, one filing of an application by one Prakash Dashrath Gude
being Civil Application No.789 of 2015 which is filed on 10.3.2015
and a specific statement therein that said Prakash approached the

Department of Agriculture and Animal Husbandry, Dairy Development and Fisheries , Government of Maharashtra by filing an appeal being Appeal No.12 of 2014 and that appeal was heard by the Secretary of the said Department and it came to be allowed on 31.1.2015.

2. The petitioner will have to decide as to whether the said order in favour of Prakash Dashrath Gude should be impugned and challenged in appropriate proceedings and whether the said Prakash Dashrath Gude is a necessary party to the proceedings or not.

3. If leave to amend the Writ Petition and incorporate all this is granted, the Memo of this Writ Petition would be substituted with virtually a new petition. We are also of the opinion that there are some statements made in the affidavit in reply which also may have to be verified and scrutinized with the records of the petitioner. In such circumstances, we decline the leave to amend as orally prayed by Mr.Kanetkar, learned Advocate appearing on behalf the petitioner and dispose of this Writ Petition with liberty to the petitioner to institute fresh proceedings on the same cause of action.

We clarify that we have not expressed any opinion on the rival contentions. Each of them are kept open and for being raised in the appropriate proceedings.

4. The Civil Application does not survive in the light of this order. It is disposed of.

(G.S.KULKARNI, J.)

(S.C. DHARMADHIKARI, J.)