

SQP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5110 OF 2014**

Jai Tuljabhavani Fisheries Co-operative
Society Ltd.

...Petitioner

Versus

The Commissioner, Fisheries,
State of Maharashtra & Ors.

...Respondents

Mr. Vivek Salunke for the Petitioner

Mr. V. S. Gokhale, A.G.P for the Respondent Nos.1 to 4

**CORAM : A. S. OKA &
REVATI MOHITE DERE, JJ.
MONDAY, 29TH JUNE, 2015**

P.C. :

1. Heard learned Counsel appearing for the petitioner. Perused the averments made in the plaint in Regular Civil Suit No. 204 of 2013 filed by the petitioner, which is stated to be pending. Contract granted to the petitioner earlier in relation to the lake in question was cancelled by communication dated 20th May, 2013. There is a specific challenge to the said action of cancellation in the Suit. The second substantive prayer in this Suit is for perpetual injunction restraining defendant Nos. 1 to 4 (the State Government and its Officials) from granting contract in respect of the same lake to any other party. The challenge in the present petition is to the

action of the respondent Nos. 1 to 4 of granting the contract to respondent No. 5.

2. In view of the pendency of Suit, relief claimed in this petition will have to be claimed by the petitioner in the pending Suit, after impleading the fifth respondent as party-defendant.

3. Therefore, we decline to entertain this petition under Article 226 of the Constitution of India. The petition is disposed of.

4. We grant liberty to the petitioner to apply for amendment of the plaint in the pending Suit as well as to apply for impleading the respondent No. 5 as party-defendant in the pending Suit. All contentions on merits are kept open.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)