

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

Writ Petition No. 6250 of 2015

(Katepurna Fisheries Co-operative Society Limited, Tiwasa through its President
Shri D. B. Kewat Vs. State of Maharashtra through its Secretary, Fisheries and
Animal Husbandry, Mantralaya, Mumbai and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri A. M. Ghare, Advocate for the petitioner
Ms. T. H. Udeshi, AGP for the State

**CORAM : Smt. V. A. Naik and
P. B. Varale, JJ.**

DATE : 20-11-2015.

By this petition, the petitioner – Society challenges the order of the respondent no. 3 dated 24-9-2015 cancelling the permission granted to the petitioner to station a Guard near the Katepurna Tank. The petitioner also seeks a direction to the respondents to take a decision on the proposal of the petitioner for extension of lease period as expeditiously as possible.

According to the petitioner, the petitioner was granted a contract for fishing for a period of five years from 1-7-2010 to 30-6-2015. After the expiry of the term of the contract, as per the policy of the Government, the petitioner applied for the extension

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of fishing contract. During this time, the petitioner was permitted to station a Guard near the Katepurna Tank so that the theft of fish should be prevented. By the impugned order dated 24-9-2015, the order permitting the Guard to be stationed at Katepurna Tank was cancelled. The petitioner has challenged the said order and has also sought the permission from the respondents to consider the application for extension of the contract for fishing for the period of one year.

One of the prayers made by the petitioner could be granted. The respondents could be directed to consider the application filed by the petitioner for extension of the lease period. However, the petitioner does not have any right to station a Guard near Katepurna Tank. Hence, we do not find any illegality in cancelling the permission to the petitioner to station a Guard near Katepurna Tank. In the circumstances of the case, the writ petition is disposed of with a direction to the respondent no. 4 to consider the application of the petitioner for extension of the period of lease as early as possible

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and within a period of one month.

It is needless to mention that the respondent no. 4 should take necessary precaution and care to prevent the theft of fish.

Order accordingly. No order as to costs.

JUDGE

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