

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6505 OF 2015

Jaikisan Matsavyavsay Sahakari Sanstha
Maryadit Madalmohi, Tq. : Georai,
Dist. : Beed, Through its Chairman .. **Petitioner**

Versus

The State of Maharashtra,
Through the Secretary,
Milk, Animal Husbandry and
Fishery Department, Mantralaya,
Mumbai-32 and others .. **Respondents**

Shri Sominath M. Sangale, Advocate for the Petitioner.
Miss S. S. Raut, A. G. P. for Respondent Nos. 1 to 6.

CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.

DATE : 26TH JULY, 2016.

PER COURT :-

1. Heard the learned counsel for the Petitioner and the learned A. G. P.

2. In fact, the apprehension of the petitioner pursuant to the impugned order dated 30th May, 2015 and Government Resolution dated 26.06.2014 would not survive in view of the affidavit in reply filed by Respondent Nos. 3 and 5. Para 4, 5 and 6 of the said affidavit in reply reads as under -

“4. I say and submit that, the petitioner society namely Jaikisan Matsvyavsay Sahakari Sanstha, Madalmohi Tq. Georai, Dist. Beed has been registered on Jawaharwadi Water Tank. The area of

operation of the said Tank is around 62 hectare. I say that, the respondent no. 6 has allotted the fishing thekha to the petitioner society for the year 2010-2015-2016.

5. I say and submit that, the petitioner societies area of operation is Jawaharwadi Water Tank of about 62 hectare only, so as per the Government Resolution dt. 26.6.2014, second primary fishing society cannot be registered on the area of petitioner society. So there is no effect of G. R. Dated. 26.6.2014 on the petitioner society.

6. I say and submit that, in view of the facts and circumstances, there is no new proposal for registration of the society on the area of operation of petitioner society, therefore, the present petition is premature and hence the same may kindly be rejected."

3. Considering the above, apprehension raised by the Petitioner does not survive.

4. In case, because of some subsequent developments the Petitioner feels that his rights are eroded, liberty to the Petitioner to file fresh petition if, such occasion arises.

5. The Writ Petition is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]