

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 7194 of 2015

District : Jalgaon

Bhoi Co-operative
Machhimar Society Ltd, Parola,
District : Jalgaon
(Through its Chairman),
Devidas s/o. Huna Bhoi,
Age : 45 years,
Occupation : Fishery,
R/o. Koli Galli, Parola,
District : Jalgaon.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Secretary,
Fisheries Development
Department, Mantralaya,
Mumbai.
2. Commissioner of Fisheries,
Taraporevala Aquarium,
Netaji Subhash Road,
Charni Road, Mumbai 400 002.
3. Asst. Commissioner of Fisheries,
Jalgaon.
4. Asst. Registrar
(Fisheries, Dairy & Livestock),
Co-operative Societies,
Jalgaon.
5. The Chairman / Secretary,
Nutan Machhimar
Co-operative Society,
Parola, District : Jalgaon.

6. Deputy Registrar,
Co-operative Societies (Fisheries),
Maharashtra State,
Mumbai.

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Mr. Prakashsing B. Patil, Advocate, for the petitioner.

*Mrs. M.A. Deshpande, Asst. Government Pleader, for
respondent nos.1, 2, 3, 4 and 6.*

Mr. R.T. Nagargoje, Advocate, for respondent no.5.

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 11TH JANUARY 2016

COURT'S ORDER (Per S.V. Gangapurwala, J.) :

1. Heard the learned Counsel for respective parties.
2. The present petition assails the order passed by the Commissioner of Fisheries, Mumbai, dated 2nd July 2015, thereby partly allowing the appeal of the present petitioner and directing to proceed as per Clause 3.2 of the Government Resolution dated 26th June 2014 for allotment of Bhokarbari Tank, so also, assails the order dated 27th July 2015, thereby cancelling Bhokarbari Tank from the bye-laws of the petitioner - Society.
3. Affidavit is filed by the concerned officer, stating that he is

withdrawing the order dated 27th July 2015, passed in Revision No. 7/2015 as the same is passed without hearing to the petitioner and a fresh hearing would be given to the petitioner.

4. As far as order dated 2nd July 2015 is concerned, passed by the Commissioner of Fisheries, thereby directing to resort to Clause 3.2 of the Government Resolution dated 26th June 2014, the same at this stage need not be interfered with as the bye-laws of the respondent - Society are also amended and the villages where present tanks are situated also comes within jurisdiction. The said bye-laws are not assailed by the present petitioner.

5. However, in the light of the affidavit filed by the authority, the order dated 27th July 2015 passed in Revision No. 7/2015 is *non-est*. The authority shall decide Revision No. 7/2015 afresh after hearing the parties. The same shall be decided by the authority as expeditiously as possible and preferably within six months from today. Parties shall appear before the concerned authority on 1st February 2016.

6. With the above directions and observations, the Writ Petition is disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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