

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

Writ Petition No. 7447 of 2015

District : Jalgaon

Bhoi Co-op. 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.

.. Respondents.

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

*Mrs. M.A. Deshpande, Asst. Government Pleader, for
respondent nos.1 to 4.*

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

PER COURT :

1. Vide the present petition, the petitioner assails order dated 17-7-2015 passed by respondent no.3 - Asst. Commissioner of Fisheries, thereby directing to proceed ahead as per Clause 3.2 of the Government Resolution dated 26-6-2014.

2. Mr. Patil, the learned Counsel for the petitioner, submits that as far as Mhasva Tank is concerned, there was no challenge to the same. The same was allotted to the petitioner. However, vide the impugned order, fresh auction is contemplated which is illegal.

3. Mr. Nagargoje, the learned Counsel for respondent no.5 and Mrs. Deshpande, the learned Asst. Government Pleader for respondent nos.1 to 4, submit that vide order dated 17-7-2015 passed by the Asst. Commissioner of Fisheries, the allotment of tank has been cancelled. The same was cancelled basically vide order dated 2nd July 2015.

4. It appears that the order cancelling the allotment of Mhasva Tank has not been assailed by the petitioner by way of appeal or otherwise. The petitioner may file appeal regarding cancellation of allotment of Mhasva Tank, within 15 days from today, before appropriate authority. If the appeal is filed within 15 days from today, the same shall be decided on merits by the appropriate authority, after hearing all concerned, as expeditiously as possible and preferably within three months from the date of filing of the appeal. Till the said appeal is decided, no further steps shall be taken in respect of the said Tank by the authority.

5. 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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