

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

WRIT PETITION NO. 7456 OF 2013

Narsing Sahkari Mastya Sanstha,
Wanwada

.. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Nitin N. Jagdale, Advocate h/f Shri V. D. Salunke, Advocate
for the Petitioner.

Shri B. V. Virdhe, A.G.P. for Respondent Nos. 1 to 4.

Shri R. T. Nagargoje, Advocate for the Respondent No. 06.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 22ND AUGUST, 2016.

PER COURT :

. The learned counsel for the petitioner states that, the allotment of tank in favour of the respondent No. 6 is illegal, without adhering to the procedure as laid down by the Government Resolution. The petitioner was earlier in possession of the said tank. The petitioner applied for one year extension as per the Government Resolution dated 19.06.2008, however, as the amendment to the by-laws was rejected, the extension was not granted. The learned counsel submits that, the allotment of tank in favour of the respondent No. 6 society is totally illegal and the same is malafide one. There is collusion between respondent

Nos. 5 and 6 and the other authorities. The respondent No. 6 is not eligible for getting allotment of the tank for fishing. The respondent No. 6/society is only entitled for fishing that is to catch fish. Form No. 7 specifically prescribes that such society is not entitled for getting tank on theka basis.

2. Mr. Nagargoje, the learned counsel for the respondent No. 6 submits that, the petitioner has no *locus standi*. The amendment to by-laws of the petitioner was challenged and the said amendment has been set aside. Said order is also upheld in revision. As such petitioner cannot make any grievance in respect of the same. The revision pending is against an order U/Sec. 102 of the Maharashtra Co-operative Societies Act and has nothing to do with the present allotment of tank.

3. The learned Assistant Government Pleader states that, the procedure as established by law has been properly followed while allotting tank in favour of the respondent No. 6.

4. We have heard the submissions canvassed by the learned counsel for respective parties.

5. The allotment of tank is vide order dated 27.06.2013/04.07.2013. Three years have already lapsed.

6. Be that as it may, the amendment to by-laws of the petitioner is already rejected. So also there are no prohibitory orders against the respondent No. 6 as on the date. In case the revision filed by the petitioner is decided in favour of the petitioner, then the petitioner may take such further proceedings as is permissible in law. The writ petition accordingly is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/August 16