

**IN THE HIGH COURT OF BOMBAY AT GOA**

WRIT PETITION NO. 275 OF 2016

THE GOA STATE CO-OPERATIVE MILK  
PRODUCERS UNION LTD. THR. ITS  
MANAGING DIRECTOR DR. NAVSO C.  
SAWANT.

... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF  
SECRETARY AND 4 ORS.,

... Respondents

Mr. Iftikhar Agha, Advocate for the petitioner.

Mr. V. Rodrigues, Government Advocate for the respondents.

Coram:- F. M. REIS &  
K. L. WADANE, JJ.

Date:- 17th March, 2016

P.C.

During the course of the hearing of the above petition, learned Government Advocate has pointed out that the scheme and the incentives which have been initiated by the State Government for the benefit of the farmers shall not be availed by the new entrant/respondent no.5.

2. Mr. Vivek Rodrigues, learned Government Advocate appearing for the respondent no.1 has submitted that the Government has taken a policy decision to allow the respondent no. 5 to carry out their activity in the State of Goa. The learned counsel appearing for the petitioner however submits that such policy decision cannot be taken by the State Government as it would gravely prejudice the farmers of the State of Goa and is ultra vires as they would avail of

the benefits of the schemes provided to the farmers in Goa. To that effect, the learned Government Advocate, Shri Vivek Rodrigues, learned Government Advocate appearing for the respondent no. 1, upon instructions from the concerned Department has stated that the respondent no. 5 shall not avail of any of the schemes which have been initiated by the respondent no. 1 for the benefit of the farmers and even the benefits of the schemes referred to by the petitioner in their petition which are available to the farmers shall not be availed by the respondent no.5. Considering the said submission of the learned Government Advocate upon instructions, we find that the apprehension of the petitioner on that count would no longer survive. It cannot be disputed that the Government has a right to change its policy and, as such, the Government cannot be tied down to any specific policy. There is no material on record produced by the petitioner to establish the impact such policy would have to the rights of the petitioner, if any. Merely because the monopoly of the petitioner may be adversely affected in procuring the milk from the farmers would not by itself justify this Court to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India unless there is cogent material produced by the petitioner to substantiate their contention that such policy is ultra vires any law guaranting the rights of the petitioner.

3. As far as the contention of the petitioner that no permission has been obtained from the Registrar of Co-operative Societies to carry

out the business activities in the State of Goa, we find that the learned Government Advocate has brought the file notings as well as the Order dated 15.03.2016 issued by the Registrar of Co-operative Societies granting such permission to the respondent no.5 in terms of Section 123 of the Co-operative Societies Act. As such, the said contention of the petitioner would no longer survive. The petitioner, if so advised, may take recourse to law to challenge any of its permission in accordance with law.

4. Subject to above, we find that no case is made out by the petitioner to entertain the above writ petition.

5. The petition is accordingly disposed of.

K. L. WADANE, J.

F. M. REIS, J.

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