

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5776 OF 2015

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Shri Prakash D.Gude	...Petitioner
v/s.	
Director of Fisheries, Mumbai & ors.	...Respondents

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Mr.Tejash Dande a/w Mr.Bharat Gadhavi i/b Tejash Dande & Associates for the Petitioner.
Mr.P.G.Sawant, AGP for State.

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CORAM : A.S.OKA &
A.A. SAYED, JJ.

DATED : 13 OCTOBER 2016

P.C.:

Heard the learned Counsel appearing for the Petitioner and the learned APP for the Respondents.

2. Mis.Application filed by the Petitioner on 21 February 2015 in disposed of Appeal No.12 of 2014 is stated to be pending before the Hon'ble Minister of the concerned Department. If the same is pending, the Hon'ble Minister will have to decide the same. While deciding the same, he will have to go into legality and validity of the communication dated 31 March 2015 issued to the Petitioner by the Assistant Commissioner of Fisheries, Solapur. Learned AGP has no instructions regarding outcome of the said Application.

3. Hence we dispose of the Petition by passing the following order:

O R D E R

- (i) We direct the Petitioner to remain present in the office of the Hon'ble Minister of State for Animal Husbandry & Fisheries Department on 25 October 2016 at 3 p.m.;
- (ii) The Petitioner will produce an office copy of the Misc.Application at Exhibit "I" alongwith an authenticated copy of this order in the office of the Hon'ble Minister;
- (iii) If the Misc.Application is already disposed of, a copy of the order passed on the Misc.Application shall be furnished to the Applicant within a period of one week from 25 October 2016;
- (iv) If the Application is not yet disposed of, the same shall be disposed of on or before 30 November 2016 after giving an opportunity of being heard to the Petitioner. We clarify that while deciding the application, the Hon'ble Minister will have to consider the legality and validity of the communication dated 31 March 2015 issued by the Assistant Commissioner of Fisheries (Exhibit "J" to the Petition);

(v) The order passed on the Misc.Application shall be communicated to the Petitioner on or before 10 December 2016;

(vi) All contentions on merits are kept open;

All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J.)

(A.S.OKA, J.)