

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3332 OF 2016

Ramdayal Jangaluji Patil

-vs-

The State of Maharashtra, through the Principal Secretary, Department of
Agriculture, Animal Husbandry and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms Rajkumari Rai, counsel for the petitioner.
Mr.V.P.Gangane, AGP for the respondent Nos.1 and 2.
Mr. P.C.Madkholkar, counsel for the respondent Nos.3 and 4.

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 19.07.2016.

By this writ petition, the petitioner seeks a direction against the respondents not to allot the fishing rights of Bor Dam to any claimant, as the Government Resolution, dated 26/06/2014 is stayed.

According to the petitioner, the respondent No.1-State of Maharashtra had issued a resolution providing for the guidelines in respect of allotment of fishing rights. By an order, dated 16/05/2016, the State Government had stayed the resolution, dated 26/06/2014. It is the case of the petitioner that the State Government had directed the Maharashtra Fisheries Development Corporation not to advertise the tender notice and not to proceed in furtherance of the tender notices, issued by them for allotment of the dams mentioned in the communication, dated 25/05/2016, and specially Bor Dam with which we are concerned. It is stated that despite the order staying the operation of the resolution, dated 26/06/2014, the tender process was undertaken by the respondent Nos.3 and 4 and the tender appears to have been allotted in favour of one of the bidders.

Shri V. P. Gangane, the learned Assistant Government Pleader appearing on behalf of the State Government and Shri P.C. Madkholkar, the learned counsel for the respondent Nos.3 and 4-Corporation, have raised a preliminary objection to the tenability of the writ petition. It is stated that the petitioner cannot effectively challenge the tender notice and the proceedings conducted in furtherance of the same, as the petitioner had not applied for the fishing rights for Bor Dam, in view of the tender notice. It is stated that had the petitioner applied for allotment of fishing rights, in pursuance of the tender notice, dated 25/05/2016 published in the daily newspaper, the petitioner may have been entitled to challenge the action. It is stated that by the communication issued by the Desk Office and the Agricultural, Animal Husbandry, Dairy Development and Fisheries to the respondent Nos.3 and 4, the process initiated, in pursuance of the tender notice was not stayed indefinitely and it was stayed only till further orders are passed by the respondent Nos.3 and 4-Corporation.

It is rightly submitted on behalf of the respondents that the petitioner should have no grievance, as the petitioner had not purchased the tender form and had not applied in pursuance of the tender notice. So also, the State Government had not stayed the tender process initiated by the respondent Nos.3 and 4-Corporation indefinitely and had stayed the same only till the respondent Nos.3 and 4-Corporation decides to take further action. The respondent Nos.3 and 4-Corporation had decided to take further action in the matter and had proceeded further to award the tender in favour of Chandu Daulatrao Patil. The petitioner has not joined the said person as a party respondent to this writ petition.

Since the petitioner would have no *locus standi* to file the writ petition, we dismiss the same with no order as to costs.

JUDGE

JUDGE

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 26/07/2016