

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 WRIT PETITION NO. 12518 OF 2016

JAYKISAN MASTYAVAIVASAIK SAHAKARI SANSTHA MARYADIT
MADALMOHI THU ITS CHAIRMAN SK.
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH WP/11743/2016
WITH WP/11744/2016
WITH WP/11746/2016
WITH WP/11747/2016
WITH WP/11749/2016
WITH WP/12030/2016
WITH WP/12031/2016
WITH WP/12032/2016
WITH WP/12240/2016
WITH WP/12327/2016
WITH WP/12551/2016

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Advocate for Petitioner : Mr. Sonwane Mahesh R.
in WP 12518/16, WP/11743/2016, WP/11744/2016,
WP/11746/2016, WP/11747/2016, WP/11749/2016,
WP/12030/2016, WP/12031/2016 & WP/12032/2016 and
Mr.C.V. Thombre, Advocate in WP 12240/16 & WP12327/16
and Mr. M.R. Sonwane, Advocate, holding for Mr. R.T.
Nagargoje, Advocate in WP 12551/16
AGP for Respondents/State: Mr. S.B. Yawalkar
Mr. S.N. Rodge, Advocate for respondent No.4
in WP 12240/16 & 12327/16

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**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 4th MAY, 2017

PER COURT :

1. We have heard Mr. Sonwane and Mr. Tombre learned counsel for the petitioners.

2. The learned counsel for the petitioners submit that all the societies of the petitioners are registered as Fishery Co-operative Societies. The members of the petitioner Societies are fishermen. Each Society is registered over the respective tanks. The contract in favour of the petitioner Societies was up to 30th June, 2016 and the proposal for its renewal was submitted in April, 2016. Instead of granting continuation of renewal to the petitioners Societies, the respondent-authorities have decided to give the licence to the individuals on payment of Rs.500/- on the pretext that new policy is to be formulated.

3. The learned counsel further submits that the

Society registered as Fishery Co-operative Society consists of fishermen only as members and it cannot be allowed to any other person other than the fishermen. The learned counsel further submits that the policy adopted under the impugned communication is not feasible. The big registered societies have been given renewal of registration, but the small societies like petitioners are being discriminated.

4. The learned A.G.P. on instructions of the Assistant Commissioner of Fisheries and the Officer from the Fisheries department, Jalna, who are present today in the Court, makes a statement that the licence on payment of Rs.500/- was only given to the members of the petitioner societies which are registered at respective times. The said statement is accepted.

5. The communication issued by the Additional Secretary, State of Maharashtra, is placed on record by the learned A.G.P., stating that within two months from today the policy decision would be taken. The said communication is taken on record. We expect the

State to take policy decision within two months from today. If it is not feasible for the State to formulate the new policy by 30th June, 2017, then the respondents may consider about giving 'Theka' to the Societies registered on particular tank till new policy is formulated.

6. In case the fresh policy decision is taken, naturally the parties would be governed by it. With these observations, Writ Petitions stand disposed of. No costs.

(SANGITRAO S. PATIL, J.)

(S.V. GANGAPURWALA, J.)