

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

WRIT PETITION No. 4187/2016.

Jay Walmiki matsypalan Sahakari Sanstha Ltd., Ghot.

-VERSUS-

State of Maharashtra and others.

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

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATE : MARCH 01, 2017.

Heard Shri N.R. Bhishikar, learned Counsel
for the petitioner, Shri N. Rao, learned A.G.P. for
respondent no.1 and Shri S. Zoting, learned Counsel
for respondent nos. 2 and 3. None appears for
concerned Gram Panchayats i.e. respondent nos. 4 to
6.

2. On 22.07.2016, we have passed the
following order :

“ *Heard.*

*Issue notice of final disposal to
the respondents, returnable on 05.08.2016.*

Learned Assistant Government

2

Pleader Shri A.M. Madiwale, waives notice on behalf of the respondent no.1.

The petitioner is permitted to serve the other respondents by Speed Post in addition to the regular mode of service.

Since the lease of the fishing tank was granted in favour of petitioner for a period of five years and the same was to expire on 30.06.2017, we stay the impugned order till the returnable date.”

3. Thus, grant of a valid lease to petitioner and fact that it has to continue upto 30.06.2017 is, not in dispute. Respondent no.2 has determined that lease because of passing of Panchayats (Extension to Scheduled Areas) Act, 1996. Because of said extension, the area of water tank given on lease for fishing purposes to petitioner Society has gone to three gram panchayats. Because of this exercise obviously respondent nos. 2 and 3 have lost jurisdiction over those tanks and hence, respondent no.2 has brought an end to the lease.

4. Though notice for final disposal is served upon respondent nos. 4 to 6 prior to 02.09.2016, they have chosen not to appear.

5. In this situation, we find that interest of

3

justice can be met with by protecting possession of petitioner over subject tank upto 30.06.2017. Thereafter it will be open to respondent nos. 4 to 6 to exercise their rights as per law in the matter.

6. With these directions, we partly allow the Writ Petition and dispose it of. No costs.

JUDGE

JUDGE

Rgd.