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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.2024/2018

Sagar Maschya Vyavsaik Sahakari
Sanstha Ltd., Partur Tq.Partur
Dist.Jalna.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri G.R. Syed, Advocate for petitioner.

Shri C.S. Kulkarni, AGP for respondent nos.1 to 5.

Shri S.J. Salunke, Advocate for respondent no.6.

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**CORAM: R.M. BORDE &
K.K. SONAWANE, JJ.**

DATE: 17.04.2018

ORDER :

1] The petitioner is objecting to the order passed by the Sub-Divisional Officer, Partur Dist.Jalna on 22.12.2017 allowing the appeal presented by the respondent no.6 on behalf of the village panchayat whereunder the entitlement of the petitioner to exercise fishing rights in respect of the village tank has been set aside and the authorization issued by the Tahsildar,

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Patur, on 17.4.2017 in that regard has been quashed. The petitioner contends that it was not heard before passing the final order by the appellate authority and as such it is prejudiced. The period provided under the orders passed by the Tahsildar has come to an end on 31.3.2018. Since the petitioner was authorized to exercise the fishing rights in respect of the reservoir in question till 31.3.2018, it was not in a position to collect the live stock and hence its financial interest is adversely affected.

2] The learned counsel appearing for the respondent – village panchayat, on instructions, states that the village panchayat may not have any objection if the petitioner is permitted to collect the live stock within a period of one week from today.

3] In view of above, the petitioner is permitted to collect the live stock from the reservoir in question before 24.4.2018.

4] It would be open for the village panchayat or any other authority provided under the Regulations to follow the procedure prescribed in respect of allotment or grant of fishing rights in respect of the reservoir in

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question for the next year.

5] With the directions as above, the writ petition
is disposed of. No costs.

(K.K. SONAWANE, J.)

(R.M. BORDE, J.)