

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

907 WRIT PETITION NO. 11527 OF 2018

SHAIKH AMIR MASTCHYA VYAVSAY SHAKARI SANSTHA LTD BHAGWANWADII
THORUGH PRESIDENT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. C.V. Thombre

AGP for Respondents:Mr. D.R. Kale

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CORAM : R. M. BORDE & MANGESH S. PATIL, JJ.

Date: October 30, 2018

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PER COURT :-

1 The petitioner is objecting to the order passed by the Assistant Commissioner - Fisheries; where under the authorization issued to the petitioner for conducting fishing activities in respect of Dukarwadi storage tank came to be canceled.

2 On perusal of the impugned order, it is observed that same has been issued without following the principles of natural justice. The petitioner was not issued a notice as regards the objection or proposed action by the Assistant Commissioner - Fisheries. The order passed by the Assistant Commissioner is vitiated on account of nonobservance of principles of natural justice. The said order deserves to be quashed and set aside and matter deserves to be remanded back to the same authority i.e. Assistant Commissioner - Fisheries. The Assistant Commissioner - Fisheries shall extend opportunity of hearing to the petitioner in respect of objection or proposed action and after hearing the petitioner, the said authority may pass appropriate orders in accordance with provisions of law. The order impugned in this petition dated 29.9.2018 stands quashed and matter is remanded back to the issuing authority for reconsideration.

3 In view of above, writ petition is disposed of.

(MANGESH S. PATIL, J.)

(R. M. BORDE, J.)