

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO. 48/2017

(Satyavrat S/o Narendra Dutta vs. State of Maharashtra & ors.)

WITH

PUBLIC INTEREST LITIGATION NO. 32/2018

(Satyavrat S/o Narendra Dutta vs. State of Maharashtra & ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI AND

Z.A.HAQ, JJ.

DATED : 04/07/2018

1] Ms. N.P. Mehta, learned AGP is seeking time as instructions are still awaited. Advocate Bhandarkar for petitioner is opposing adjournment. He points out that public revenue is at stake.

2] He has produced before us a communication dated 20/06/2018 by which policy decision dated 30/06/2017 has been stayed. Communication dated 20/06/2018 is taken on record as Exhibit-A.

3] He points out that the stay does not effect any change because auctions have already been held in favour of private entrepreneurs and their leases will continue. According to him, this is third fishing policy in which Government has again found defects and therefore voluntarily stayed it.

4] He has invited our attention to prayer clauses (b), (c) and (c-i) in writ petition. According to him, keeping in

mind these prayers and material placed on record by petitioner, new policy needs to be evolved.

5] Learned AGP submits that Government is not opposing the petition in any way and is interested in framing policy.

6] We are aware that in recent past in relation to a tank in city after auction was awarded, the amount was brought down drastically. The Court was then required to intervene again in a writ petition.

7] Here, the facts on record show that State Government and its officers are not in position to evolve a proper policy. Shri A.S. Fulzele, learned Addl. GP has explained the history briefly. According to him, a committee was appointed and that committee after preliminary scrutiny found some defects and therefore, again need to evolve a more comprehensive policy is felt.

8] We need not comment upon right of Government to frame a policy. However if earlier there was precedence to Co-operative Societies of fishermen, shift from that policy and permitting private entities to bid in auction process warrants consideration. State Government should have placed on record before us the instances in which Fishermen Co-operative Societies have defaulted or then amounts of premium to be recovered from it have not been recovered. That data is missing.

9] We are aware that the Fishermen Co-operative Societies are registered on a particular water tank/body

contingent upon its area. Thus today's position is water tank/bodies exists and they may also carry fish. The tanks therefore hold public property and amount generated there from could have been used for betterment of the area as public revenue. The fish now in water body may be taken out by some unauthorized persons and they may be earning out of it.

10] In this situation, only expressing a need to have proper fishing policy in the field, we direct respondents to look into the material produced by petitioner before us and then proceed to evolve proper policy. If necessary objections from all interested shall be invited by paper publication. State Government is free to extend them an opportunity of hearing also. This exercise shall be completed within period of next four months from today.

11] If the policy is not so framed, we grant petitioner leave to approach this Court again and permit him to revive present PIL. In that event, he shall also be awarded reasonable costs for his efforts.

12] With this observation, we partly allow PILs and dispose them of.

JUDGE

JUDGE