

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.13518 of 2018

ORDER: (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has challenged the order dated 22nd March 2018, passed in O.A.No.553 of 2018, whereby, the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985 has been dismissed.

2. Learned counsel appearing on behalf of petitioner has pointed out that Proceedings No.5896/A1/2017, dated 8th February 2018, which is under challenge in this case and Proceedings dated 1st February 2018, challenged vide O.A.No.552 of 2018, were both issued by the 2nd respondent. The issue raised before the Tribunal was that the 2nd respondent/Ex-Officio Commissioner is not competent authority to pass the said orders, however, the Commissioner of Fisheries is the competent authority.

3. To adjudicate the aforesaid issue, the learned Tribunal in O.A.No.552 of 2018, after issuing notice, directed the respondents to file counter affidavit, whereas, O.A.No.553 of 2018 has been dismissed.

4. Since O.A.No.553 of 2018, which was filed questioning the proceedings dated 8th February 2018 has been dismissed by the Tribunal, whereas, O.A.No.552 of 2018, which was filed questioning the Proceedings dated 1st February 2018 is pending for adjudication, we

hereby set aside the order dated 22nd March 2018 passed by the Tribunal in O.A.No.553 of 2018 and remand the case back to the Tribunal to adjudicate the said O.A. along with O.A.No.552 of 2018 after giving opportunity to both sides.

5. Writ petition is accordingly allowed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

June 13, 2018

ajr

