

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8465 OF 2018

LAXMIBAI LIMBAJI HIRAVE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Doke Kishor R.
AGP for Respondents N. 1 : Mr. S. B. Pulkundwar
Advocate for Respondent No. 2 :
Mr. V. V. Bhavthankar

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 07th JUNE, 2019

PER COURT:

1. Mr. Doke, learned Advocate for the petitioner submits that the petitioner is the only fishing society registered over the Borula tank. As per the relevant rules, the petitioner only is entitled to be given the fishing contract over the said tank. The respondents be directed to give the necessary contract for the fishing for a period 2018-2019 to 2022-2023.

2. Mr. Bhavthankar, learned counsel for respondent no. 2 submits that the tank is situated within the municipal limits. The municipal council has taken decision to allot the

said tank for fishing purpose to the registered societies by auction.

3. According to Mr. Doke, the learned counsel, the registered societies would be the societies registered on the said tank.

4. The said Government Resolution would apply to the tanks that are owned by the Government. This tank is within the jurisdiction of the municipal council. The municipal council has passed a Resolution bearing no. 102 dated 16.08.2018, wherein the municipal council has decided to give the tank in question for fishing purposes by auction amongst the registered societies. In view of that, the petitioner cannot claim exclusive rights for the tank be allotted to it without auction. The petitioner certainly would be entitled to participate in the auction.

5. The writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.][S. V. GANGAPURWALA, J.]

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