

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.8175 OF 2017

Jagruti Matsya Vyavasaya Sahakari Sanstha Maryadit, Wadgaon Road, Taluka and Dist.
Yavatmal, Through its President, Devidas Narayan Chavare

-VS-

State of Maharashtra and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. K. Tambde, Advocate for the petitioner.
Shri J. Y. Ghurde, Assistant Government Pleader for respondent
Nos.1, 2 and 4.
Shri A. M. Ghare, Advocate for respondent No.3.

CORAM : A. S. CHANDURKAR AND VINAY JOSHI, JJ.

DATE : January 22, 2020

Civil Application No.2002 of 2019

Considering the reasons, intervention is allowed.

The Civil Application is allowed and disposed of.

Writ Petition No.8175 of 2017

Rule. Rule made returnable forthwith. Heard finally
with consent of learned counsel for the parties.

The petitioner-Society seeks to quash and set aside
the impugned communication dated 16/10/2017 issued by
the respondent No.1. Infact the petitioner had earlier
moved this Court by filing Writ Petition No.580/2015 in
which by order dated 13/09/2017 the matter was
remanded to Assistant Commissioner of Fisheries to decide

the matter afresh within the stipulated period.

It is the grievance of the petitioner that while deciding the matter afresh the respondent No.1 had not furnished any opportunity or right of hearing to the petitioner and without considering the petitioner's stand the matter was decided. The respondent No.3 who is also affected was also not heard. The reply as filed is silent about the right of hearing at the time of deciding the matter afresh. The petitioner's specific contention raised in paragraph 15 of the petition that there is a violation of principles of natural justice remained uncontroverted. In the circumstances we grant liberty to the petitioner and other affected parties to make their submissions before the Authorities while adjudicating the matter. It is inevitable to remand the matter to the respondent No.1 to decide the same afresh in terms of order passed in Writ Petition No.580/2015 particularly by giving right of hearing to the petitioner as well as others concerned.

The petitioner and other affected respondents shall appear before the Authorities on 06/02/2020. After considering the stand of the petitioner and other parties, decision be taken preferably within three months from the

first appearance of the parties.

The writ petition stands disposed of in above terms.

No order as to costs.

JUDGE

JUDGE