

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

Writ Petition No. 1031 of 2021

Macchindranath Fishery Co-operative Society Ltd.,
Regd. No.156, through its Vice-President, Shri. ...Petitioner
Sambhaji Kawanpure.

Versus

The Regional Deputy Commissioner of Fisheries,
Amravati Division, Amravati and others ...Respondent/s

Shri P.S. Patil, Advocate for the Petitioner
Shri Amit Madiwale, AGP for the Respondent - State

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 23 FEBRUARY 2021

P.C.:

Heard learned Counsel for the parties.

2. The Petitioner has questioned the decision taken in a meeting held on 6 July 2020 by the District Level Committee, Amravati for allotment of fishing rights.

3. It is the case of the Petitioner that the Assistant Registrar of Co-operative Society (Dairy) – Respondent No.3 exercising powers under *Section 13(1) and (2) of the Maharashtra Co-operative Societies Act,*

1960 had registered the Petitioner-Society and after carrying out the amendment to the bye-laws in respect of the tanks / water bodies falling within 10 meters radius of the Petitioner's registered Society. One of the water bodies included the Bor River Project.

4. It is contention of the Petitioner that as per the Government Resolution dated 3 July 2019, wherein policy for grant of fishing rights is laid down, more particularly Clause 1.6 thereof, once the Co-operative Society is registered in respect of water bodies, then no other society should be permitted to carry on its activity in respect of these water bodies. Even if new water bodies is created or transferred within 10 kilometers radius, the fishing rights should be given only to the registered society.

5. The learned Counsel for the Petitioner submitted that however in the meeting of the District Level Committee held on 6 July 2020, a subject regarding registration of new society was taken up and as far as Bor River Project, a decision is taken to register a new society, which is contrary to the Government Resolution / Policy dated 3 July 2019.

6. Firstly, we do not see the document, which is annexed as Annexure 'XVII', Page 70 of the Petition as a decision, it is only the minutes of meetings and what is the referred to is only what the President of the District Level Committee informed to the members. Final decision for registration in respect of Bor River Project is yet to be taken.

7. While taking the final decision, the District Level Committee and the Respondents will have to take note of the Policy / Resolution dated 3 July 2019 and we do not find there is any warrant for the apprehension of the Petitioner that the decision will be taken contrary to the Policy already laid down by the State of Maharashtra.

8. Needless to say that for taking the final decision, if any, in respect of Bor River Project, the District Level Committee will keep in mind the necessary terms of the Policy contained in Government Resolution dated 3 July 2019, more particularly Clause 1.6 thereof (if it is not set aside or varied).

9. Therefore, since we find that the apprehension of the Petitioner at this stage is unwarranted, it is not necessary to issue a writ to the Respondents. With these clarifications, the Writ Petition is disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]