

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

WRIT PETITION NO. 4274 OF 2022

Tanoji Bahuuddeshiya Sanstha through its President Ganesh S/o Natthuji Surjuse,
..VS..
The Department of Agriculture, Animal Husbandry, Dairy Development and Fisheries,
Mantralaya Mumbai through its Secretary and others

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

Court's or Judge's orders

Mr. Mahesh Rai, Advocate for petitioner.
Mrs. N.P. Mehta, Assistant Government Pleader for respondent Nos.1 & 3.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ

DATED : AUGUST 1, 2022

The petitioner-Society is aggrieved by the termination of the fishing contract that was entered into on 22.07.2019 with the respondent No.2. In the impugned communication, reference is made to breach of various clauses including Clauses 2, 5, 10 and 14 of the contract. According to the learned counsel for the petitioner, in view of Government Resolution dated 03.07.2019 it was not required to pay any amount annually since the lake was smaller than 500 hectare.

2. We find that various disputed questions arise. The contract in question has been terminated for breach of various conditions. One ground is non-payment of requisite amount annually and for this purpose, the Society seeks to rely upon the Government Resolution dated 03.07.2019 which was in existence when the contract was entered into.

3. Considering the nature of dispute, we find that it is not possible to resolve the same in writ jurisdiction. With liberty to the petitioner to avail such other remedy that is permissible in law, the writ petition is disposed of. The points raised are kept open. No costs.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

Kirtak