

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

**WRIT PETITION NO. 2836/2022**

Lower Wardha Tank Fishermen Co-operative Society,  
Italapur, Tq. Arvi, Dist. Wardha, Through its President,  
Dinesh Dehankar, r/o Italapur, Post Arvi, Dist. Wardha.

**PETITIONER**

**.....VERSUS.....**

1. State of Maharashtra, through Secretary,  
Department of Agriculture, Animal  
Husbandry, Dairy and Fisheries, Mantralaya,  
Mumbai – 400 032.
2. State of Maharashtra, through its Assistant  
Commissioner (Technical), Department of  
Fisheries, Wardha.

**RESPONDENTS**

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Shri R.V. Gahilot, counsel for the petitioner.  
Mrs. K.R. Deshpande, Assistant Government Pleader for the respondents.

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

**DATE : 13<sup>TH</sup> JUNE, 2022.**

**ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)**

**RULE.** Rule made returnable forthwith and heard the learned counsel for the parties.

2. The grievance raised by the petitioner is in the context of communication dated 06.04.2022 that has been issued by the Assistant Commissioner of Fisheries by which the petitioner-Society's application dated 01.04.2022 seeking permission to undertake fishing operation at Lower Wardha Tank has been rejected.

3. Attention is invited to the policy decision *vide* Government Resolution dated 03.07.2019 and especially Clause 32 thereof. As per the said Clause if any fishing tank cannot be allotted on account of litigation the same can be allotted to the local fishermen with a view to provide some employment and prevent illegal fishing. Perusal of the communication dated 06.04.2022 indicates that this Government Resolution has not been referred to.

4. In view of aforesaid, the writ petition is disposed of by passing the following order:-

- (I) The communication dated 06.04.2022 issued to the petitioner-Society is set aside.
- (II) The respondent no.2 shall re-consider the petitioner's application dated 01.04.2022 in light of the Government Resolution dated 03.07.2019 and especially paragraph 32 thereof.
- (III) The decision on the application dated 01.04.2022 be taken by the respondent no.2 within a period of fifteen days from the production of this order.

5. Rule is made absolute in aforesaid terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

APTE