

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

WRIT PETITION NO.284 OF 2023

Tejram s/o Dashrath Madankar, Khudsangtola, Owara, Tq. Deori, Dist. Gondia

-VS-

State of Maharashtra, Thr. Secretary, Dept. of Agriculture, Animal Husbandry, Dairy and
Fisheries, Mantralaya, Mumbai 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 O. A. Ghare, Advocate for petitioner.

Shri A. M. Deshpande, In-charge Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, JJ.

DATE : June 09, 2023

P. C.

1. Rule. Rule made returnable forthwith and heard the learned counsel for the parties.
2. The challenge raised in this writ petition is to the order dated 06/12/2022 passed by the Assistant Commissioner, Fisheries, Gondia thereby rejecting the proposal to register the petitioner's proposed Society at Owara. According to the learned counsel for the petitioner while considering the said proposal dated 23/07/2019 the respondent No.2 relied upon the Government Resolution dated 30/11/2022 and found that the requirements therein were not satisfied. For that reason the proposal came to be rejected. He submits that the Government Resolution dated 30/11/2022 has now been replaced by another Government Resolution dated 12/05/2023. As per Clause 2.1 of the said Government Resolution the modalities of registration of a Society on a tank exceeding 50 hectares. It is thus prayed that in the light of the subsequent development, the petitioner's proposal shall duly be examined in the light of Government Resolution dated 12/05/2023.

3. The learned In-charge Government Pleader for the respondents submitted that with the issuance of Government Resolution dated 12/05/2023, the requirements therein would have to be satisfied by the petitioner's Society. Similarly, the applicability of all relevant Government Resolutions will also have to be examined.
4. We find that in the impugned order dated 06/12/2022, consideration undertaken by the respondent No.2 is on the basis of Government Resolution dated 03/07/2019 and 30/11/2022. With the coming into force of the subsequent Government Resolution dated 12/05/2023, the respondent No.2 can be directed to re-consider the proposal dated 23/07/2019 in that backdrop.
5. Accordingly the following order is passed :
 - (a) The respondent No.2 is directed to re-consider the petitioner's proposal dated 23/07/2019 in view of Government Resolution dated 12/05/2023 in accordance with law and the prevailing policy. To enable such consideration, the order dated 06/12/2022 is set aside.
 - (c) The proposal dated 23/07/2019 should be considered expeditiously by giving due opportunity to the petitioner and within a period of four weeks of receiving copy of this order.
 - (d) With these directions, the writ petition is disposed of. Rule accordingly with no order as to costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)