

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

WRIT PETITION NO. 8066/2022

Vilas s/o. Tarachand Kewat

Vs.

The Joint Commissioner, Matsy Vyavsay (Technical) and Ors.

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

Court's or Judge's order

.....
Mr. J. K. Matala, Advocate for Petitioner.
Mr. S. M. Ukey, Addl.G.P for Respondent 1/State.
Mr. N. M. Gaidhane, Advocate for Respondent 2.
Mr. S. A. Mohta, Advocate for Respondents 3 and 4.

**CORAM : ROHIT B. DEO AND
MRS.VRUSHALI V. JOSHI, JJ.**

DATED : 15.03.2023

. Heard

2. We were inclined to dismiss the petition with exemplary costs of Rs.5,00,000/- (Rs. Five Lakhs Only).

3. We say so, since apparently the concerned office bearers of the Gram Panchayat have dealt with the Government fishing tank without any authority, purported to allot the fishing tank to the petitioner and permitted the petitioner to unjustly enrich himself by exploiting the fishing tank commercially for five years. However, in view of the submission of Mr. Matala, which is to a certain extent supported by Mr. Mohta, who represents the Sarpanch, that the illegality may have occurred due to misconception on the part of the Gram Panchayat that considering that the fishing tank is situated within its territorial jurisdiction, the Gram Panchayat has rights to the tank and was entitled to allot the

same, and further considering the submission of Mr. Matala that the petitioner has already suffered to a certain extent, we accept the request of the learned Counsel for the petitioner Mr. Matala for leave to withdraw the petition, and dismiss the petition as withdrawn unconditionally.

(MRS.VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

RGurnule