



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

WRIT PETITION NO. 848 OF 2023

(Navnit Adiwasi Matsyapalan Sahakari Sanstha Vs. Government of Maharashtra & Ors.)

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

Court's or Judge's order

Shri S.K. Tambde, Advocate for the petitioner.

Ms N.P. Mehta, Assistant Government Pleader for respondent nos. 1 and 3 to 5.

Shri O.A. Ghare, Advocate for respondent no.2.

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

DATE : SEPTEMBER 11, 2023

Heard.

2] The challenge raised in this Writ Petition is to the order dated 31/10/2022 passed by the Deputy Registrar (Fisheries), State of Maharashtra, Mumbai in proceedings under Section 152 of the Maharashtra Co-operative Societies Act, 1960 (for short "the said Act"). By the said order, the appeal preferred by respondent no.2 herein has been allowed and the No Objection Certificate dated 20/6/2022 has been cancelled. Consequentially, the amendment to the by-laws that was undertaken on 23/6/2022 (23/3/2018) has been set aside. It is informed by the learned Counsel for the petitioner that against the said order dated 31/10/2022, the petitioner has preferred a revision application under Section 154 of the said Act which is pending before the Commissioner of Fisheries, Mumbai.

3] Leave is granted to implead the Commissioner of Fisheries as respondent no.6 in the Writ Petition. The amendment be carried out forthwith. The learned Assistant Government Pleader waives notice for respondent no.6.

4] Since, the challenge to the order dated 31/10/2022 passed by the Deputy Registrar (Fisheries) is pending before the Commissioner of Fisheries, it is directed that the petitioner's revision application shall be decided by respondent no.6 in accordance with law after giving due opportunity to all the parties within a period of six weeks from today.

5] Another challenge raised by the petitioner is to the order dated 31/10/2022 also passed by the Deputy Registrar (Fisheries) in the revision

application preferred by respondent no.2. By the said order, the amendment to the by-laws which was permitted by the Assistant Registrar on 23/3/2018 has been set aside.

6] Since the subject matter of pending revision that has been directed to be decided by the Commissioner of Fisheries also pertains to the validity of the amendment dated 23/3/2018, it would be open for the petitioner to raise grounds for challenging the findings recorded by the Deputy Registrar in the order dated 31/10/2022 that has been passed in the revision application. Respondent no.2 is free to oppose the revision application on all grounds raised.

7] With the aforesaid directions, the Writ Petition is disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

SUMIT