



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

WRIT PETITION NO. 1871 OF 2024

Gopalkrushna Fisheries Co-operative Society, Yavatmal
Vs.

State of Maharashtra, Thru. Commissioner, Department of Fisheries, 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.

Mrs. S.P. Giratkar, Advocate for petitioner.
Mr. Alap Palshikar, AGP for respondent/State.
Mr. A.R. Patil, Advocate for respondent No.4.
Mr. R.A. Mirza, Advocate for intervenors.

CORAM : N.R. BORKAR, J.

DATE : 04.09.2024.

Learned counsel Mrs. Giratkar, has filed Vakalatnama on behalf of the petitioner. In that view of the matter on the request of Mr. Bhandarkar, his appearance on behalf of the petitioner is hereby discharged.

2. Mrs. Giratkar, learned counsel appearing for the petitioner seeks leave to withdraw this petition.

3. Mr. Mirza, learned counsel for the intervenors submits that there is collusion between the petitioner and respondent No.4 and thus,

withdrawal of the petition is not bonafide and it is sought just to defeat the rights of the intervenors.

4. It is submitted that withdrawal of the petition therefore, may not be permitted and permission be granted to the intervenors to prosecute the present petition as petitioner. In the alternative, it is submitted that the interim order passed by this Court be continued for a period of one week.

5. The Hon'ble Supreme Court in ***Saraswati Industrial Syndicate Ltd. Vs. Commissioner of Income Tax Haryana, Rohtak*** reported in ***1999 (3) SCC 141*** has held :

“The only purpose of granting an intervention application is to entitle the intervenor to address arguments in support of one or the other side.”

6. Even otherwise according to the learned counsel for the intervenors, there is a collusion between the petitioner and respondent No.4. Such question of fact cannot be gone into in writ jurisdiction.

7. The petition is thus disposed of as withdrawn. However, it would be open to the intervenors to file appropriate proceedings for redressal of their grievance.

8. The interim order stands vacated.

(N.R. BORKAR, J.)