



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

WRIT PETITION NO.4893 OF 2024

[Shripad Masemari Sahkari Sanstha Maryadit, Kopara (Jankar) and others .vs. The State of Maharashtra and others]

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

Court's or Judge's orders.

Ms. S.P. Giratkar, Advocate for Petitioners,
Mr. A.M. Kadukar, Assistant Government Pleader for Respondent
Nos.1 and 3 to 6.
Mr. D.M. Pilani, Advocate for Respondent No.2.

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CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATE : 19.09.2024.

Heard the learned Counsel for the parties.

2. The petitioners, which are registered Societies of Fishermen, are claiming preferential right of fishing way the advertisement dated 10.08.2024.

3. It is the contention of Ms. Giratkar, learned Counsel for the petitioners-Societies, that the privilege rights are conferred on the petitioners-Societies by virtue of Government Resolution dated 03.07.2019. According to her, the area which is offered for fishing is 5272 hectares and in such an eventuality, the rights of the parties are governed by Clause 13.3 of the said Government Resolution. She would claim that the petitioners are already given registration over the tanks

in question and in such an eventuality, it is not open for the respondent-Fisheries Corporation to carry out e-auction. She would claim that the corrigendum issued by the State Government thereby making an exception in relation to the tanks, which are offered for fishing rights under the jurisdiction of the respondent-Fisheries Corporation is violative of Article 14 of the Constitution of India, particularly when the Government Resolution dated 03.01.2022 is creating class in class.

4. As far as the aforesaid contentions are concerned, this Court on 21.08.2024 has already passed an order calling upon the respondents to submit their reply.

5. Though the respondent No.2-Fisheries Corporation has submitted its reply, the respondent no.1-State, which has issued the impugned corrigendum, has chosen not to file the reply in the matter.

6. We hardly see any reason as to why the respondent No.1-State can act arbitrarily, thereby discriminating amongst the Societies by creating classes. That being so, we deem it appropriate to grant last chance to the respondent-State Government to file reply justifying the corrigendum dated 03.01.2022 and its stand that Clause 13 will not be applicable to the tanks

which are at the disposal of the respondent no.2- Fisheries Corporation.

7. Let the reply be placed on record within a period of two weeks. In case the reply is not placed on record, this Court will be constrained to pass a consequential order in the matter.

8. Stand over to **03.10.2024**.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)