



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO.11899 OF 2025

BHARAT BABURAO RAGADE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Y.C. Patil, Advocate for petitioners

Mr. S.K. Tambe, AGP for respondent Nos.1 to 5

Mr. A.L. Kanade, Advocate for respondent Nos.6 and 7

...

CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 15th OCTOBER, 2025

ORDER :

. Heard learned Advocate for petitioners. Learned AGP waives notice for respondent Nos.1 to 5. Learned Advocate Mr. A.L. Kanade waives notice for respondent Nos.6 and 7.

2 Though the prayer clause is not happily worded, it appears that petitioners wanted to place on record that the petitioner in Writ Petition No.10121 of 2025 had suppressed various applications, appeals and objections those have been raised before the different authorities and by

suppressing those proceedings / applications / appeals the petition was filed and then the said writ petition came to be disposed of by order on 09.09.2025.

3 The learned Advocate for petitioner relies on the decision in **Shri. K. Jayaram and others vs. Bangalore Development Authority and others** in Civil Appeal No(s). 7550-7553 of 2021 (Arising out of S.L.P.(C)No(s).26374-26377 of 2013) decided by Hon'ble Supreme Court on 08.12.2021. To buttress his submission that when the petitioners are approaching the Constitutional Court, then they should disclose the proceedings those are pending or taken up before the different authorities. Taking into consideration the order passed by this Court in the said writ petition on 09.09.2025 the petitioners seek recall of the said order and stay to the proposal dated 28.04.2025 submitted by respondent Nos.6 and 7 - society before respondent No.4.

4 The first and the foremost fact, that is, required to be noted is that by the said order dated 09.09.2025, this Court had not made any statement on merits. We would like to reproduce the order for the sake of convenience, which reads thus -

“1 Heard the learned counsel for the petitioner. This Court

has issued notice for final disposal by order dated 14.08.2025. The petitioner is seeking a limited relief in this petition for a direction to respondent No.3 i.e. the Assistant Commissioner, of Fisheries, Osmanabad (now Dharashiv), to decide proposal dated 28.04.2025 submitted by the petitioner in respect of contract of fishing or renewal of contract of fishing for the year 2025-26 to 2029-2030 in respect of Chandani Medium Project, Wakdi, Tq. Paranda, Dist. Dharashiv.

2 The learned counsel for the petitioner submits that in similar cases, orders have been passed by this Court, directing the concerned authority to take decision on the proposal.

3 We find that in the present case also the proposal is pending since April 2025 and there is no reason why the proposal should be kept pending without any decision on merits.

4 In view of the above, the petition is allowed in terms of prayer clause 'B'. The Committee headed by respondent No.2 is directed to take a decision on the proposal within a period of four weeks.

5 It is made clear that this Court has not expressed any opinion on the merits of the matter.”

At the cost of repetition, we would like to say that in paragraph No.5 it was made clear by the Court that Court has not expressed any opinion on the merits of the matter. The grievance of the petitioner is that in spite of the petitioners had raised objection, they were not made party to the writ petition. It is to be noted that the prayer clause itself was limited to the

extent that respondent should decide the proposal. Of course, the proposal was for the contract of fishing or the renewal of the contract of fishing. When this Court had not made any observation in respect of merits, it is still open for the parties to agitate the same before the appropriate authority. Question of recall of the said order, which gives only the direction to respondent authorities to decide, will not come at all.

5 At this stage, the learned Advocate for petitioners seeks withdrawal of the petition. In view of observations made by this Court that the petitioners can still raise the point before the appropriate authority, the petition stands disposed of as withdrawn.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

agd