

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 WRIT PETITION NO. 15183 OF 2025

Rajendra Waman Wayal

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr. Omprakash Waghmare h/f Mr. G. J. Kore - Advocate for the
Petitioner

Mr. A. M. Phule - AGP for State

...

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

DATED : 21ST JANUARY, 2026

PER COURT : -

1. Learned Advocate Mr. Omprakash Waghmare holding for
Mr. G. J. Kore seeks accommodation, however, we have considered the
prayer clauses.

2. The Petitioner appears to have approached the Respondent
No. 4 for the registration of its institution. According to the Petitioners,
the Petitioner's land was acquired for the purpose of construction of a
percolation tank by the Irrigation Department. The Petitioner became
landless and was not having any other source of income, therefore, the
Petitioner and other persons, whose lands were acquired, decided to
register a Society and carry out fishery work in the said percolation tank
for the purpose of their livelihood. When such an application was made,

they were in need of No-Objection Certification. However, Writ Petition No. 3916 of 2025 came to be filed before this Court and is still pending. By order dated 26th March, 2025, this Court granted a stay to the Government Resolution dated 12th May, 2023 and, therefore, the Application made by the present Petitioner was refused.

3. Now, the Communication dated 2nd July, 2025 has been challenged, and the second prayer is that Respondent No. 4 should give preference to the Petitioner after the decision in the said Writ Petition. We are afraid that this Court has already granted certain interim orders and the Writ Petition is still pending. If the Petitioner is affected by any action taken or to be taken in that Writ Petition, he should have intervened there instead of filing the present Writ Petition. The Petitioner filed this Writ Petition knowing that Respondent No. 4 cannot change the decision in the communication dated 02.07.2025 without the order of this Court. Further, there is interesting prayer for giving preference to the Petitioner after the decision has been made. This Petition is a classic example of unnecessary wastage of time of the Court. We would have imposed costs on the Petitioner, however, at one place he says he has no source of income and proposed to register the Society for fishery work, while elsewhere he mentions his occupation as business. Therefore, we refrain ourselves from imposing costs upon the Petitioner.

4. The Petition is devoid of merits and deserves to be dismissed, accordingly, it is dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

SG Punde