



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

991 WRIT PETITION NO. 6807 OF 2017

SAYYAD ABDUL RAHIM PASHA

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Mahesh R. Sonwane, Advocate for the Petitioner.

Mr. R. B. Dhaware, AGP for Respondent-State.

Mr. Dnyaneshwar B. Pokale, Advocate for Respondent No.7.

...

WITH

WRIT PETITION NO. 7154 OF 2022

HANUMAN MASTYA YAVASAIK SAHAKARI SANSTHA LTD THROUGH
ITS CHAIRMAN SAKHARAM RAMBHAU BANGE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COMMISSIONER AND
OTHERS

...

Mr. Ranjit D. Gaikwad h/f. Mr. D. J. Choudhri, Advocate for the
Petitioner.

Mr. R. B. Dhaware, AGP for Respondent-State.

Mr. N. L. Jadhav, Advocate for Respondent No.6.

WITH

WRIT PETITION NO. 7726 OF 2022

ADARSH BHUJALASHINE MASCHYA VYAVSAIK SAHAKARI SANSTHA
LTD BAMRUD RANICHE THROUGH ITS CHAIRMAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. R. T. Nagargoje and Mr. Anand I. Deshmukh, Advocate for the
Petitioner.

Mr. R. B. Dhaware, AGP for Respondent-State.

Mr. Manoj U. Shelke, Advocate for Respondent No.7.

...

NOT ON BOARD, TAKEN ON BOARD

WITH

WRIT PETITION NO. 13976 OF 2023

PROPOSED NEW TAWARJA BHU JALASHYIN MATSYA
VYAVASAY SAHAKARI SANSTHA MARYADIT

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...

AND

994 WRIT PETITION NO. 6343 OF 2021

JAY BHAWANI MATSYA VYAVSAY SAHKARI SANSTHA MARYADIT
TAMALWADI THROUGH ITS CHAIRMAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Manoj U. Shelke, Advocate for the Petitioner.

Mr. B. A. Shinde, AGP for Respondent-State.

Mr. Vinod M. Vibhute, Advocate for Respondent No.7.

Mr. R. T. Nagargoje, Advocate for Respondent No.8.

...

AND

1023 WRIT PETITION NO. 6470 OF 2021

RAJMATA AHILYDEVI HOLKAR BHUJALASHIN MATSYA VYAVSAIK
SHAHAKARI SOCIETY MARYADIT THR CHAIRMAN

VERSUS

THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS

...

Mr. Ranjit D. Gaikwad h/f. Mr. D. J. Choudhri, Advocate for the
Petitioner.

Mr. R. B. Dhaware, AGP for Respondent-State.

Mr. N. P. Patil Jamalpurkar, Advocate for Respondents.

...

WITH

**CIVIL APPLICATION NO. 3228 OF 2025
IN WP/6470/2021**

RAJMATA AHILYDEVI HOLKAR BHUJALASHIN MATSYA VYAVSAIK
SHAHAKARI SOCIETY MARYADIT THR CHAIRMAN

VERSUS

THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS

...

Mr. Ranjit D. Gaikwad h/f. Mr. D. J. Choudhri, Advocate for Applicant.

Mr. R. B. Dhaware, AGP for Respondent-State.

Mr. N. P. Patil Jamalpurkar, Advocate for Respondent No.7 in WP

WITH

CIVIL APPLICATION NO. 7489 OF 2024

IN WP/6470/2021

RAJMATA AHILYDEVI HOLKAR BHUJALASHIN MATSYA VYAVSAIK

SHAHAKARI SOCIETY MARYADIT THR CHAIRMAN

VERSUS

THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS

...

Mr. Ranjit D. Gaikwad h/f. Mr. D. J. Choudhri, Advocate for Applicant.

Mr. R. B. Dhaware, AGP for Respondent-State.

Mr. N. P. Patil Jamalpurkar, Advocate for Respondent No.7 in WP

...

AND

1027 WRIT PETITION NO. 10800 OF 2021

SHUBHAM MATSHYA VYAVASAYEEK SAHAKARI SANSTHA MARYADIT

RAMESHWAR THROUGH ITS CHAIRMAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...

Mr. Ankush N. Nagargoje, Advocate for the Petitioner

Mr. R. B. Dhaware, AGP for Respondent-State.

Mr. Dhananjay M. Shinde, Advocate for Respondent Nos.8.

...

NOT ON BOARD, TAKEN ON BOARD

AND

WRIT PETITION NO. 4599 OF 2018

SHAIKH KATTUMIYA SHAMSHUDDIN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Mahesh R. Sonwane, Advocate for the Petitioner.

Mr. B. A. Shinde, AGP for Respondent-State.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 18th APRIL, 2026

PC.:-

1. Considering the analogous situation arising in all these petitions, this Court, on 03.02.2026, passed the following order:-

“1. Heard the learned counsel for the petitioner.

2. So far as the powers of the Additional Registrar, who is also the Commissioner of the Fishery Department are concerned, this Court notices that in certain cases the appeals were entertained by the Deputy Registrar (Fishery) and against such orders, revisions were filed before the Additional Registrar/ Commissioner of Fishery Department. In some other cases, appeals were entertained by the Additional Registrar and the same were directly carried before the State Government.

3. The learned counsel for the respective parties submits that in certain matters there were delegation of powers by the Additional Registrar, who is also the Commissioner of the Fishery Department, in favour of the Deputy Registrar (Fishery). Consequently, appeals were filed before the Deputy Registrar (Fishery) once the Deputy Registrar (Fishery) decides the appeal, a revision before the Additional Registrar would not lie. However, in some cases, the Deputy Registrar (Fishery) decided the appeals and revisions were filed before the Additional Registrar / Commissioner of Fisheries. Thus, an analogous and inconsistent situation has arisen in the Fishery Department.

4. In view thereof, the Principal Secretary Co-operation Department is directed to file an affidavit clarifying the said position within a period of three weeks.”

2. Pursuant to the order passed by this Court, the Principal Secretary, Department of Cooperation and Marketing, Mantralaya, Mumbai, on behalf of the State Government, has filed an affidavit dated 02.04.2026, which reads as under:-

“3. I say and submit that, u/s 3 of the Maharashtra Cooperative Societies, Act, 1960 (hereafter referred as 'MCS Act, 1960') the State Government has the power to appoint Registrar and other officers and confer the powers of MCS Act, 1960 upon them. As per Government Order dated 30.03.2000, the Commissioner of Fisheries, Maharashtra State, Mumbai has been appointed as Additional Registrar of Cooperative Societies and has conferred with the powers of the Registrar in respect of Fisheries Cooperative Societies and their Federations throughout Maharashtra. Similarly, the Deputy Registrar, Cooperative Societies (Fisheries), Maharashtra State, Mumbai has also been conferred with specified powers of the Registrar under the MCS Act, 1960 and the Rules there under. Annexed hereto and marked as Exhibit A is the copy of the Order dated 30th March, 2000.

4. It is submitted that, the Commissioner of Fisheries, Government of Maharashtra, functions as an Additional Registrar and is vested with all the powers of the Registrar under the MCS Act, 1960 and the Maharashtra Co-operative Societies Rules, 1961, in respect of Fisheries Co-operative Societies and their Federations situated within his territorial jurisdiction.

5. I say that, in case of the order passed by the Deputy Registrar, Co-operative Societies (Fisheries), Mumbai u/s 152 of MCS Act, 1960, the revision shall lie u/s 154 before the State Government. As the powers of the Registrar u/s 152 of the MCS Act are already delegated to the Deputy Registrar, Cooperative Societies (Fisheries), Mumbai by order dated 30.03.2000, the Revision against the order passed by Deputy Registrar (Fisheries) under the said Section could not be filed before the Commissioner of Fisheries, Mumbai.

6. I say and submit that, in case of the orders passed by the Assistant Registrar, Cooperative Societies (Dairy) under any provision other than the Sections mentioned in Section 152, at present the Revision shall lie u/s 154 of MCS Act before the Deputy Registrar, Cooperative Societies (Fisheries), Mumbai. However, the Department of Fisheries has advised the Cooperation Department to carry out the necessary modification in the order dated 30.03.2000 so as to retain the powers of Revision with Commissioner of Fisheries, Mumbai. Accordingly, the necessary modification shall be carried out in the said order dated 30.03.2000 by this Deponent.

7. I say and submit that, if any order is passed in Revision u/s 154 by the Commissioner (Fisheries), Mumbai, the second Revision would not lie against such order before the State Government.

8. I say and submit that, in case of the orders passed by Deputy Registrar, Cooperative Societies (Fisheries), Mumbai, in

respect of the Fisheries Societies/Federations as the Registrar of such societies under various provisions as mentioned in Section 152 of MCS Act (excluding Section 21A), the Appeal u/s 152 against such orders shall lie before the State Government. Similarly, in case of the orders passed by Deputy Registrar, Cooperative Societies (Fisheries), Mumbai under various provisions other than those mentioned in Section 152 of MCS Act, the Revision u/s 154 shall lie before the State Government.

9. I say and submit that, in view of the provision in sub-section (5) of Section 21A, the powers under sub-section (1) & (2) of Section 21A shall be exercised by the Commissioner of Fisheries, Mumbai.”

3. Further, the Principal Secretary, vide letter dated 01.04.2026, informed the office of the Fisheries Department to take necessary action in accordance with the clarification issued therein. In view of the same, the State Government has clarified its stand pursuant to the affidavit filed hereinabove. Therefore, it was expected on the part of the concerned authorities to strictly comply with the directions issued by the State Government dated 01.04.2026, which has been placed on record by way of affidavit. Considering the above, I find that all these petitions deserve to be disposed of and accordingly, they are being disposed of in terms of the observations made hereinabove.

4. Upon perusal of the record, it appears that the Additional Registrar/Commissioner of the Fishery Department, while exercising powers under Section 154 of the Maharashtra Cooperative Societies Act, 1960, entertained the revision against the order passed by the Deputy Registrar (Fishery). In view of the clarification issued by the State Government, as referred to hereinabove, the Additional

Registrar/Commissioner of the Fishery Department did not have the jurisdiction to decide the same. Therefore, the order passed by the Additional Registrar/Commissioner of the Fishery Department is hereby quashed and set aside.

5. In all these petitions are disposed of. The Respondents are at liberty to challenge the order passed by the Deputy Registrar before the State Government within a period of eight weeks from today. The delay caused in prosecuting the present petitions shall be taken into consideration by the State Government while considering such revisions. Upon filing of the revisions within the aforesaid period, the State Government is directed to decide the same within a period of six months thereafter.

6. Interim relief, if any, granted earlier shall continue until the State Government decides the matters.

7. In view of disposal of writ petitions, civil applications do not survive and they are also disposed of.

(SIDDHESHWAR S. THOMBRE, J.)