



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

WRIT PETITION NO. 5667 OF 2025

Mahatma Jyotiba Phule Matsyavyaysay Sahakari Sanstha
Maryadit, Singaon Jahagir, Reg.No.704, Tq.Deulgaon Raja,
District Buldana 443204, Through its President Ravi Kisan
Gawai, Age 45 years, Occ: Business, R/o At Post Singaon
Jahagir, Tq. Deulgaon Raja, District Buldana-443204.

PETITIONER

VERSUS

1. State of Maharashtra, Through its Secretary,
Department of Agriculture, Animal Husbandry,
Dairy Development and Fisheries, Mantralaya,
Mumbai-22.
2. Commissioner of Fisheries, Maharashtra State,
Mumbai C-24, 2nd Floor, Mittal Tower, C-Wing,
Nariman Point, Near Maharashtra Vidhan
Bhavan, Mumbai – 400021.
3. Regional Deputy Commissioner of Fisheries,
Amravati, Near Vidyabharti Mahavidyalaya,
Camp, Amravati – 444602.
4. Assistant Deputy Commissioner (Technial), Buldana,
Administrative Building, 1st Floor, In front of Bus
Stand, Dhar Road, District Buldana 443001.
5. Assistant Registrar of Co-operative Societies (Dairy)
Buldana, Administrative Building, 1st Floor, Infront of
Bus Stand, Dhar Road, Dist. Buldana – 443001.
6. Tahsildar, Tahsil Karyalaya, Tq. Deulgaon Raja,
District Buldana 443204.
7. Khadakpurna Matsyavyayasay Sahakari Sanstha
Maryadit, Chinchkhed, Tq. Deulgaon Raja,
District Buldana – 443204, Through President
Anil Kautikrao Wayal.

RESPONDENTS

Shri C.B. Dharmadhikari, counsel for the petitioner.
Shri S.C. Joshi, Assistant Government Pleader for the respondent nos.1 to 6.
Shri A.M. Ghare and P.V. Ghare, counsel for the respondent no.7.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : APRIL 02, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent
of the learned counsel for the parties.

2. By this petition, the petitioner-Society has taken exception to the order dated 20.08.2025 passed by the respondent no.1 rejecting the appeal challenging allotment of a reservoir in favour of the respondent no.7. The petitioner-Society has also sought for a direction to allot the fishing rights of the reservoir situated at Kadakpurna Jalashay, Taluka Deulgaon Raja, District Buldana to the petitioner for the period from 2024 to 2028-29.

3. In the process of allotment of fishing rights of the said reservoir, the petitioner as well as eight other societies participated in the auction process and the reservoir ultimately came to be allotted in favour of the respondent no.7 by order dated 24.10.2024 passed by the respondent no.2-Commissioner of Fisheries, Maharashtra State, Mumbai. The petitioner raised objections through representations submitted on 17.10.2024 onwards and ultimately filed an appeal before the respondent no.1-Secretary, Department of Agriculture, Animal Husbandry, Dairy Development and Fisheries. The appeal entertained under Clause 33(B) of the Government Resolution dated 03.07.2019 came to be rejected by an order dated 20.08.2025, which is subjected to challenge by way of instant petition.

4. Shri C.B. Dharmadhikari, learned counsel for the petitioner-Society submitted that the respondent no.7 was ineligible for allotment of the reservoir since it has not submitted any copy of resolution of the Board of Directors which was a mandatory requirement and since the representative of the respondent no.7-Society, who had participated in the auction process was not a member of the said society and therefore there was breach of condition nos.4 and 5 of the auction notification. By inviting

attention to the communication dated 04.04.2025 issued by the Commissioner of Fisheries, he submitted that the respondent no.7-Society owed certain dues to the Government and thus failed to submit a certificate of no dues thereby breaching condition no.7 of the auction notification. He also submitted that although the respondent no.7-Society authorized Shri Anil Kautikrao Wayal and Gajanan Bapurao Wayal to represent it, however another person by name Rameshwar Kautikrao Wayal participated on behalf of the respondent no.7-Society, who is infact working as Headmaster in a school. He thus submitted that the respondent no.7-Society although ineligible for allotment of fishing rights were granted the same for the year 2024 to 2028-29, which was required to be cancelled.

5. Per contra, Shri S.C. Joshi, learned Assistant Government Pleader for the respondent nos.1 to 6 vehemently opposed the petition and justified the impugned order.

6. Shri A.M. Ghare, learned counsel for the respondent no.7-Society strenuously opposed the petition and submitted that the petition is not maintainable on account of availability of alternate efficacious remedy as provided by the Government Resolution dated 03.07.2019. He also raised an objection to the locus of the petitioner-Society which had initially participated in the auction process but thereafter withdrew itself after realising its inability to get the fishing rights allotted. He submitted that the Committee constituted in accordance with the Government Resolution has found the respondent no.7-Society eligible in all respects for allotment

of the fishing rights and the objections raised by the petitioner-Society alleging breach of condition nos.4, 5 and 7 are an afterthought. By inviting attention to the communication dated 04.04.2025, he submitted that the alleged dues against the respondent no.7-Society cannot be attributed to the existing body and in any case cannot attract any disqualification. He also submitted that the respondent no.7-Society had already deposited the amount of alleged dues of Rs.2,10,000/- to the Tahsil Office Deulgaon Raja on 03.10.2024, i.e. prior to the holding of auction and as such there is no question of branding the respondent no.7-Society as defaulter, much less rendering it ineligible to participate in the auction process. By pointing out inferences recorded by the respondent no.1, which are supported by sound reasons, he opposed the petition and sought for its dismissal.

7. While considering the rival contentions, it has to be noted that both, the petitioner as well as respondent no.7, societies had participated in the auction process for allotment of the reservoir. The process was conducted by a Committee constituted in accordance with the Government Resolution dated 03.07.2019 which had found the petitioner as well as the respondent no.7 eligible to participate in the auction process. Pertinently, neither the petitioner-Society nor the Committee at any point of time raised objection to the participation of Rameshwar Wayal as the representative of the respondent no.7-Society and thus the objection raised by the petitioner-Society after having lost in the auction process appears to be an afterthought. It has to be noted that mere participation of Rameshwar Wayal, as a representative of respondent

No.7–Society, does not amount to a fundamental breach of the terms of the auction notification, nor can it be said to have caused any prejudice to anybody warranting cancellation of allotment.

8. As regards the objection about the respondent no.7-Society being a defaulter owing certain dues to the Government, it has to be noted that the Committee had found the respondent no.7-Society eligible and even the communication dated 04.04.2025 is not sufficient to conclude that the respondent no.7-Society became ineligible on that count. It has also been brought on record that the respondent no.7-Society has already deposited the alleged dues of Rs.2,10,000/- with the Government prior to holding of the auction and as such, it cannot be considered to be a defaulter in any respect.

9. A perusal of the impugned order passed by the respondent no.1 shows that due consideration is given to all the factual and legal aspects and by considering the contentions canvassed on behalf of the parties, the final order is passed. The impugned order records proper reasons and on a perusal thereof, no perversity is seen.

10. In view of above mentioned factual and legal aspects, I am of the firm opinion that the petitioner-Society has failed to demonstrate any illegality in the process of allotment of the reservoir in favour of the respondent no.7-Society and the petitioner-Society has also failed to show any perversity with the impugned order.

11. For all the above reasons, the challenge raised by the petitioner-Society fails and the instant petition is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)

APTE