

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.34787 of 2013

Between:

M.Balaraju.

....Petitioner

and

The Government of Andhra Pradesh,
Rep.by its Principal Secretary,
Fisheries Department, Secretariat,
Hyderabad and others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.34787 of 2013

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner is the Ex-President of Harijana Fishermen Cooperative Society, Pedakorukondi Village, Kalluru Mandal in Khammam District. One tank, by name Bandikunta, is within the area of operation of the Society. Some pattadars of submerged lands pertaining

to the said tank are not allowing the local fishermen to conduct fishing operations and, in fact, they filed a suit seeking injunction against the Government, and the trial Court granted interim injunction in favour of the said ayacutdars. While so, the petitioner submitted a representation to the third respondent, who intimated to the petitioner on 23.10.2013 stating that, in view of the pendency of the suit, he cannot take any action till final orders are passed in the pending suit. The details of the pending suit are not furnished. The suit in O.S.No.62 of 2012 was filed on the file of the learned Senior Civil Judge, Sathupalli of Khammam District, and orders were passed in I.A.No.322 of 2012, against which C.M.A.No.13 of 2013 was filed before the Court of the learned Special Sessions Judge for trial of cases under SC/ST (POA) Act, Khammam, and an order was passed on 17.07.2013 preventing the Irrigation and Revenue officials from interfering with the possession and enjoyment of the petitioners therein.

The documents filed along with the Writ Petition, in fact, show that the water spread area is covered by various survey numbers, which are submerged under the tank and the petitioner is asking for fishing rights in the said tank, which is spread over an extent of Acs.123.23 guntas.

In the circumstances and in view of the pendency of the suit, not affecting the rights of the petitioner, the third respondent can take appropriate action in accordance with law with regard to the request made by the petitioner and pass appropriate orders thereon, within a period of thirty days from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

23.07.2015

VS