

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

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W.P.NOS. 40320 & 42321 OF 2015

W.P.NO. 40320 OF 2015

Between:

1. G. Harikrishna S/o Kasulu and 71 others

....Petitioners

A n d

The State of Andhra Pradesh, Represented by its Principal Secretary
to Government , Fisheries Department, and five others

.Respondents

W.P.NO. 42321 OF 2015

Between:

1. K. Apparao S/o Musalaiah aged about 55 years and 29 others

....Petitioners

A n d

The State of Andhra Pradesh, Represented by its Principal Secretary
to Government , Fisheries Department, and five others

.Respondents

DATE OF ORDER: 29.12.2015

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION NOS. 40320 & 42321 OF 2015

ORDER:

Heard Sri S. Murali for M.S.P. Kamaraju, counsel for the petitioners, Government Pleader for Fisheries, Government Pleader for forests and Government Pleader for Revenue for respondents.

2. In both these Writ Petitions, petitioners are aggrieved by the inaction of the 4th respondent in renewing the licenses and issuing fresh licenses to them for the year 2015-16 for carrying on fishing operations in Somasila Reservoir Back Waters in Kadapa District. They allege that the proceedings dated 28.11.2015 issued by the 4th respondent (stating that the petitioners are disentitled for grant of licenses on the ground that they are non-locals) is contrary to law in view of the judgment dated 10.10.2011 in W.P.Nos. 5009 & 32112 of 2010 and 26715 of 2011 passed by this Court.

3. In the said judgment this Court has considered G.O.Ms.No. 186, Animal Husbandry & Fisheries (Fish-II) Department, dated 25.11.1995, which deals with the rules for grant of fishing licenses in the reservoirs and their channels as prescribed in Schedule F thereof, wherein

the Somasila Reservoir and its channels were also included. This Court held that *bona fide* fishermen living in the villages within 10 kms from the periphery of the reservoir are entitled to get the license, and that the said G.O does not lay down the condition that such fisherman should be either a local or native of the village within 10 kms from the periphery of the reservoir. It held that a fisherman would be eligible for grant of license, if he is able to show that he is living in the village within 10 kms from the periphery of the reservoir and that if a person lives in a village for six months, residence certificate would be issued and on the basis of the said certificates their claims can be considered.

4. The learned Government Pleader for Fisheries has fairly stated that in view of the said decision, the objection raised by the 4th respondent for grant of licenses to the petitioners for carrying on fishing operations in Somasila Reservoir Back Waters in Kadapa District cannot be sustained. However, he pointed out that in the above judgment itself the High Court had observed that 300 fishermen families can be granted licenses in 2009 and that grant of licence therefore depends upon the quantity of water available and the number of applicants therefor. He stated that the third respondent will conduct skill test and determine, without reference to the local candidate issue, eligibility of the petitioners and grant licenses to the

eligible persons as per the viability.

5. Having regard to the said submission, these two Writ Petitions are disposed of directing the third respondent to receive applications from all the petitioners in these Writ Petitions for grant of licenses without reference to the local status issue and consider whether or not to grant licenses to them after conducting skill test depending upon the amount of water available in the back waters of Somasila Reservoir and the number of applications received and keeping in view the viability. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29.12.2015

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Note: Furnish copy by Monday.