

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

* * * *

WRIT PETITION No.5794 of 2015

-

W.P.No.5794 of 2015

Between:

Kola Guruvulu.

.. Petitioners

And

The authorized officer, A.P. Marine Fishing Regulation Act, Visakhapatnam and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 11-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgment?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals

3. Whether Their Lordship wish to

see the fair copy of the Judgment? Yes/No

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

-

WRIT PETITION No.5794 of 2015

ORDER:

The petitioner claims to be the son of late Sri Guruvulu who had a licence to run a boat under the provisions of the Merchant Shipping Act, 1958. But, unfortunately, the petitioner's father expired on 20.09.2012 leaving behind him as the sole surviving son. The petitioner applied for transfer of licence in his favour as no fishing activity would be allowed without valid licence and the respondents are not transferring the licence held by his father in favour of the petitioner. Hence the Writ Petition.

A counter affidavit is filed by the Fisheries Development Officer stating that the Authorised Officer of A.P.Marine Fisheries Regulation Act, 1995 (for short 'the Act') shall issue a licence after making enquiry under sub-section (3) of Section 6 of the Act and, in case of change of ownership, rule 6(1) enables the person to apply in form-I to the concerned authorized officer for issue of certificate of registration in his favour. It was admitted that the fishing boat was registered in the name of Kolla Guruvulu S/o.Gurappa in the year 1998 with Reg.No.FVSM-606, MFR.No.955.VG2/MFV-II, MM-1120. The petitioner submitted an application for transferring licence of fishing boat

standing in the name of his father. When the petitioner was asked to submit family member certificate and legal heir certificate, the petitioner failed to submit the same and, in those circumstances, licence was not transferred.

Learned counsel for the petitioner submits that the concerned Tahsildar, Bheemunipatnam Mandal, Visakhapatnam District intimated to the petitioner that legal heir certificate cannot be issued for any purpose except for obtaining benefits under the welfare schemes of the government and, in those circumstances, he could not produce legal heir certificate. However, death certificate is available and the petitioner is ready to furnish the same, along with a copy of the aadhaar card indicating his name and his father's name.

Hence, the Writ Petition is disposed of directing the first respondent to consider the application of the petitioner for transfer of licence, bearing No.FVSM-606, MFR.No.955.VG2/MFV-II, MM-1120 standing in the name of his father, in his favour on the basis of aadhaar card and the death certificate produced by the petitioner. If the petitioner has not produced those certificates already, liberty is given to him to submit the same to the first respondent within a period of fifteen days and the first respondent shall consider his application for transfer within a period of thirty days thereafter.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:11.08.2015

Note:CC one week

bo

usd

