

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.3797 of 2012

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Dated 03rd June, 2015

Between:

Indla Ramu and another

...Petitioners

And

The Assistant Director of Fisheries, Department of Fisheries, Nellore, SPSR Nellore District and others

...Respondents

Counsel for the petitioners: Sri P.Gangarami Reddy

Counsel for respondent Nos.2 & 3: Sri G.Venkat Reddy

for Sri K.Rathangapani Reddy

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the inaction of respondent No.1 in considering the petitioners' representations and in not taking action against respondent Nos.2 and 3 as illegal and arbitrary. The petitioners sought for a consequential direction to respondent No.1 to call for a General Body Meeting of Kanigiri, Duvuru Reservoir Fishermen Cooperative Society, Gandhijana Sangam

Village, Sangam Mandal, SPSR Nellore District (hereinafter referred to as 'the Society') and to take action to declare that the members of the Committee of the Society have ceased to hold office.

At the hearing, Sri P.Gangarami Reddy, learned counsel for the petitioners, submitted that as regards the second part of the prayer, namely, to direct respondent No.1 to call for a General Body meeting of the Society and to take action for declaration that the members of the Committee of the Society as having ceased to hold office, has become infructuous. He has, however, submitted that as regards the first part of the prayer, in the counter affidavit filed by respondent No.1, it is stated that he has inquired into the petitioners' representation by holding an inquiry on 28.09.2011 and submitted a report duly recommending deletion of the names of bogus members and issue of identity cards to the existing members and that the Commissioner of Fisheries, A.P., Hyderabad has appointed the Deputy Director of Fisheries, Machilipatnam as Inquiry Officer for holding inquiry under Section 51 of the A.P.Cooperative Societies Act, 1964 (for short 'the Act') vide proceedings bearing No.7745/12/2011, dated 17.11.2011.

The learned counsel for the petitioners submitted that to the knowledge of his clients, no action was taken in pursuance of the said proceedings issued by the Commissioner of Fisheries.

At the hearing, there is no representation for respondent No.1.

The learned counsel for respondent Nos.2 and 3 submitted that petitioner No.2 is not a member of the Society and that his clients cannot object to finalisation of the inquiry under Section 51 of the Act if the same has not been done so far.

In the light of the above facts, respondent No.1 is directed to ensure that the inquiry under Section 51 of the Act initiated by the Commissioner, Fisheries is completed expeditiously if the same is not completed and based on the report that may be submitted by the Inquiry Officer, he shall take follow up action in accordance with law as expeditiously as possible.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.4767 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

03rd June, 2015

VGB