

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.20364 of 2015

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents. The notice to respondent No.4 is dispensed with in view of the availability of record in the file and urgency in the matter.

The petitioner is the President of the Fishermen Co-operative Society, Chennuru Village, Kalluru Mandal in Khammam District. The Society consists of 62 members. There are four tanks by name Ramalingamkunta, Buchipapaiahkunta, Rangolikunta and Gurishettikunta, in the Gram Panchayat area. The Divisional Panchayat Officer, Khammam, issued proceedings on 26.11.2014, fixing the upset price for the above tanks vested in the Gram Panchayat, Chennuru of Kalluru Mandal, for the year 2014-2015. In the said letter, it was further stated as follows:

“The Sarpanch/Panchayat Secretary Gram Panchayat, Chennuru of Kalluru Mandal are directed to conduct open auction in the presence of the Extension Officer (PR & RD) Bonakal duly following the norms prescribed therein, if the fisheries society is existing there, intimate to the President of Fisheries Society. If the President of Fisheries Society is not willing to pay the upset price fixed, then conduct open auction. If the Gram Panchayat is covering in agency area only the Tribal candidates are eligible for participation in auction.

If the Sarpanch/Panchayat Secretary violates this order or rules prescribed under this they will be liable for punishment under CCA rules and disciplinary action also be initiated.

The open auction shall be conducted in the presence of Extension Officer (PR & RD) or under nominee authorized by him.”

Pursuant to the said proceedings of the Divisional Panchayat Officer, the Fisheries Development Officer, Wyra, addressed a letter to

the petitioner on 15.12.2014 to pay the upset price fixed by the said Officer in the Gram Panchayat, Chennuru and obtain receipts. Accordingly, the amount was paid to the Gram Panchayat and a certificate was issued by the Gram Panchayat on 17.12.2014 holding that the aforesaid tanks belong to the petitioner. Now, the present Writ Petition is filed on the ground that the fourth respondent is trying to entrust the fishing rights to some third parties contrary to the orders passed by respondent Nos.3 and 6.

In view of the clear facts emerging from the record it is the petitioner, who is alone entitled to the fishing rights in the above tanks for the year 2014-2015 since the upset price was already fixed by the third respondent and the amount was paid by the petitioner.

In the circumstances, the fourth respondent is restrained from interfering with the catch of the fish by the petitioner in view of the categorical statement made by the fourth respondent on 17.12.2014 that the aforesaid tanks vested in the petitioner.

The Writ Petition is, accordingly, allowed at the admission stage to the extent indicated above. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

06.07.2015

Note: Issue C.C today.

B/o.

vs