

**HIGH COURT OF JUDICATURE AT HYDERABAD**  
**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**  
**WEDNESDAY, THE SEVENTH DAY OF JANUARY**  
**TWO THOUSAND AND FIFTEEN**

:PRESENT:  
**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WP .NO:120 of 2015**

Between:

- 1 Ida Guravaiah, S/o. Narasaiah
- 2 Talla Janardha, S/o. Suraiah
- 3 Irla Saidulu, S/o. Puilaiah
- 4 Vakita Nagarjuna, S/o. Chennaiah
- 5 Vakita Venkanna, S/o. Saidulu

**..... Petitioner(s)**

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department Animal Husbandry, Dahl Development and Fisheries, Secretariat Buildings, A.P., Hyderabad.
2. The Commissioner of Fisheries, The State of Telangana, Santhinagar, Masab Tank, Hyderabad.
3. The District Collector, Nalgonda, Nalgonda District.
4. The Deputy Director of Fisheries, Nalgonda, Nalgonda District.
5. The Assistant Director of Fisheries, Nalgonda, Nalgonda District.
6. The Fishermen Co-operative Society, Alagadapa, rep. by its President Bashaboina Saidulu, S/o. Chinna Biksham, R/o. Alagadapa, Miryalaguda Mandal, Nalgonda District

**.....Respondent(s)**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the action of the respondents 4 and 5 in allowing the 6th respondent society to enjoy the fishery rights of Rayanipalem tank, Rayanipalem village Miryalaguda Mandal, Nalgonda district (on payment of the lease amount) for year 2014 - 2015 as bad, arbitrary, contrary to the provisions of APCS Act, 1964 particularly Certificate of Registration vide Rc. No. 9A/B/2012 dated 15.10.2012 apart from violation of principles of natural justice and also offends Art. 14, 19 and 21 of the Constitution of India and to pass such order or orders in the interest of justice and fair play..

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MS MVIDYAVATHI Advocate for the Petitioners and G.P for

Fisheries for the Respondents and the Court made the following.

**WPMP NO. 128 OF 2015:**

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased to direct the respondents 4 and 5 to exclude the Rayanipalem Tank of Rayanipalem Village for grant of lease of fishery rights to the 6th respondent society for the year 2014-15 pending disposal of the WP No. 120 of 2015 on the file of the High Court.

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**ORDER**  
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Heard the learned counsel for the petitioner.

The learned Government Pleader for Fisheries produced the instructions dated 07.01.2015, wherein the Deputy Director of Fisheries, Nalgonda, stated that Rayanipalem Village has been deleted from the area of operation of the sixth respondent; that the sixth respondent has paid the lease amount for the year 2014-15 and that as per the procedure, the same will be leased out in favour of the sixth respondent.

However, the learned Government Pleader could not produce any guidelines or Rules that when the tank is excluded from the area of operation of the sixth respondent, still the lease can be granted to the sixth respondent.

In view of the same, there shall be interim direction as prayed for, for a period of three weeks.

Post immediately after Pongal Vacation, 2015 in M.L.

- ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, State of Telangana, Department Animal Husbandry, Dahl Development and Fisheries, Secretariat Buildings, A.P., Hyderabad.
- 2 The Commissioner of Fisheries, The State of Telangana, Santhinagar, Masab Tank, Hyderabad.
- 3 The District Collector, Nalgonda, Nalgonda District.
- 4 The Deputy Director of Fisheries, Nalgonda, Nalgonda District.
- 5 The Assistant Director of Fisheries, Nalgonda, Nalgonda District.

- 6 The President, Fishermen Co-operative Society, Alagadapa, rep.  
by its President Bashaboina Saidulu, S/o. Chinna Biksham, R/o.  
Alagadapa, Miryalaguda Mandal, Nalgonda District

(1 to 6 by RPAD)

- 7 One CC to Sri M. VIDYAVARTHI, Advocate (OPUC)
- 8 Two CC's to G.P for Fisheries, High Court at Hyderabad  
(OUT)
- 9 Two Spare copies.

Avs

HIGH COURT

ARRJ

DATED: 07.01.2015

ORDER  
WPMP NO. 128 OF 2014  
IN  
WP NO. 120 OF 2014

**INTERIM DIRECTION**

Avs  
Dated: 08.01.2015

HIGH COURT

ARRJ

DATED: 07.01.2015

ORDER  
WPMP NO. 128 OF 2014  
IN  
WP NO. 120 OF 2014

**INTERIM DIRECTION**