

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

WRIT PETITION No.18058 of 2012

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03.06.2015

Between:

Fishermen Cooperative Society, Vempet, Karimnagar

...Petitioner

And

The District Collector, Karimnagar and others

...Respondents

Counsel for the petitioner: Sri L.Prabhakar Reddy

Counsel for respondent Nos.1 and 2: None appeared

Counsel for respondent Nos.3 and 4: Government Pleader for
Panchayat Raj

Counsel for respondent No.5: Mr.Ramakrishna
for Mr.G.Narender Reddy,
standing counsel for Gram Panchayat

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the respondents in not allowing the petitioner to catch fish in Madanna cheruv tank at Vempet Village, Metpalli Mandal, Karimnagar District, at the rate being offered by it as per the guidelines contained in G.O.Ms.No.499, Panchayat Raj and Rural Development, dated 25.11.1998, as illegal.

The petitioner is a fishermen cooperative society, which has Madanna cheruv tank in its area of operation. For the year 2009-10, it was granted fishing rights on payment of Rs.4,790/-. For the years 2010-11 and 2011-12, the petitioner has offered 10% increase over the existing lease amount. The Sarpanch of respondent No.5 has proposed fixation of lease amount at Rs.1,00,000/-. However, the

committee constituted under G.O.Ms.No.499, dated 25.11.1998, has initially fixed Rs.40,000/- for the year 2010-11 with 10% increase over the said amount for the year 2011-12. On the intervention of respondent No.1, the committee has revised the lease amount to Rs.20,000/- for the year 2010-11 with 10% increase over the said amount for the year 2011-12. Feeling aggrieved by this fixation, the petitioner filed the present writ petition.

This Court, by interim order, dated 19.06.2012, permitted the petitioner to exercise fishing rights on payment of Rs.15,000/- in addition to Rs.5,269/- already paid by it.

Separate detailed counter-affidavits have been filed by respondent Nos.2 and 5. But the necessity of referring to their contents is obviated as Mr.L.Prabhakar Reddy, learned counsel for the petitioner, after arguing the case submitted that his client will pay the balance amount due as per the fixation made by the committee as referred to above.

Mr.Ramakrishna, learned counsel representing Mr.G.Narender Reddy, learned standing counsel for Gram Panchayats appearing for respondent No.5, submitted that as on today, the petitioner is liable to pay a sum of Rs.21,731/- as balance amount due for the years 2010-11 and 2011-12. The learned counsel for the petitioner submitted that respondent No.5 may be directed to verify the precise amount due and payable by the petitioner and intimate the same to it to enable it to pay the same.

In the light of the above submissions of the learned counsel for the parties, the Writ Petition is disposed of with the direction to respondent No.5 to communicate to the petitioner, the amount payable by it for the years 2010-11 and 2011-12 as per the lease amount fixed by the committee at the rate of Rs.20,000/- and Rs.22,000/- respectively for the said periods. Within one month from the date of receipt of such communication, the petitioner shall pay the due amount to respondent No.5.

As a sequel to disposal of the writ petition, W.V.M.P.No.3051 of 2012 shall

stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

03rd June, 2015

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