

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.40620 of 2012

Date:12.8.2015

Between:

The Managing Committee of Fishermen
Co-Operative Society Limited, Prodduturu,
Khammam District, reptd., by its President.

..... **Petitioner**

And:

The District Collector, Khammam
and two others.

.....**Respondents**

Counsel for the Petitioner: Ms I.K.Annapurna
For Sri V.V.N.Narasimham

Counsel for the Respondents: AGP for Fisheries (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to set aside proceedings, vide Lr.No.734/A/2012, dated 05.11.2012, of respondent No.2.

The petitioner is the Managing Committee of Fishermen Co-Operative Society Limited, Prodduturu, Chintakani Mandal, Khammam District. By the impugned proceedings, respondent No.2 has directed the President of the petitioner-society to delete the names of 12 persons, mentioned at Serial Nos.36 to 47 of its rolls, from its admission register within seven days therefrom and report compliance. A perusal of this proceeding shows that one Kannisagu Venkateswarlu and some others of Prodduturu Village have approached the District Collector, Khammam, by way of a representation on 01.10.2012, for allowing them to form a separate

Fishermen society for the Scheduled Castes and Scheduled Tribes. The District Collector, in turn, directed holding of an enquiry and submission of a report; that as per the enquiry report, dated 12.10.2012, submitted by the Fisheries Development Officer, Khammam, the names of 12 persons were added in the admission register of the petitioner-society from Serial Nos.36 to 47 during the year 2010-11; and that as the inclusion of these persons was unauthorised, the petitioner was directed to delete the names of the said 12 persons from its admission register within seven days.

At the hearing, Ms I.K.Annapurna, learned counsel representing Sri V.V.N.Narasimham, learned counsel for the petitioner, has strenuously submitted that respondent No.2 has no jurisdiction to pass the impugned order. Alternatively, she has submitted that respondent No.2 has failed to issue any notice and give an opportunity of being heard to the petitioner and instead, straightaway directed the petitioner to delete the names of the 12 persons, who were duly admitted in the petitioner as the members.

Learned Assistant Government Pleader for Fisheries (Telangana State) sought to justify the action of respondent No.2 by stating that as the 12 persons mentioned at Serial Nos.36 to 47 of the rolls of the petitioner have not undergone skill test, their names were directed to be deleted from the admission register of the petitioner.

The impugned order has not referred to non-conduct of skill test to the said 12 persons mentioned therein as the reason for respondent No.2 to direct deletion of their names from the admission register of the petitioner. On the contrary, the only reason assigned by respondent No.2 is that their names were unauthorizedly included in the admission register of the petitioner.

It is not the pleaded case of the respondents that

the said 12 persons have complained against their unlawful inclusion in the petitioner-society. The impugned order also does not state as to whether any of the said 12 persons were among those who made a representation to the District Collector, Khammam, seeking permission for formation of a separate society.

Learned Assistant Government Pleader has failed to point out any provision under which respondent No.2 can directly interfere with the admission of any member into the society and direct deletion of his/her name from the admission register of the society. Even assuming that respondent No.2 has power to give such a direction, unless the aggrieved persons have approached him with the grievance of wrongful admission into the society, the former has no authority or jurisdiction to pass the impugned order and that too, without holding any enquiry, after notice to the petitioner. Respondent No.2 cannot come to an unilateral conclusion that the 12 persons referred to in the impugned order were illegally shown as the members of the petitioner-society.

For the above-mentioned reasons, the impugned proceedings cannot be sustained and the same is, accordingly, set aside.

The Writ Petition is, accordingly, allowed.

As a sequel to the disposal of the Writ Petition, WPMP.No.51509 of 2012 and WVMP.No.1485 of 2013 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*12th August 2015
DR*