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

WRIT PETITION No.13754 of 2011

03.06.2015

Between:

Fishermen Cooperative Society, Kakani, Guntur

…**Petitioner**

And

The District Collector, Guntur and others

…**Respondents**

Counsel for the petitioner: Mr.U.Ramanjaneyulu

Counsel for respondent Nos.1 and 2: Assistant Government Pleader for Fisheries (AP)

Counsel for respondent Nos.4 and 5: Mrs.V.Sujatha

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the inaction of the respondents in considering the petitioner's representation for taking action against respondent Nos.4 and 5 societies as illegal and arbitrary.

Though the learned Assistant Government Pleader for Fisheries (AP) and Mrs.V.Sujatha, learned counsel, appeared for the official respondents and the private respondents (respondent Nos.4 and 5) respectively, neither of them has filed counter-affidavits.

At the hearing, Mr.U.Ramanjaneyulu, learned counsel for the petitioner, submitted that though respondent Nos.4 and 5 are bogus societies, they have been allowed to take advantage of all the benefits conferred on the fishermen cooperative

societies by being granted fishing rights over the tanks within the petitioner's area of operation. He has further stated that there was a legal litigation at the earlier point of time, which ended against respondent Nos.4 and 5; that in the backdrop of the said litigation, the petitioner has made a detailed representation on 14.03.2011 to respondent No.1 for taking action against respondent Nos.4 and 5 and that despite the said representation, no action is being taken by respondent No.1.

Mrs.Sujatha, learned counsel for respondent Nos.4 and 5, submitted that in the earlier litigation, the petitioner was held to be bogus society and that therefore, its complaint does not deserve to be considered by respondent No.1.

In the absence of counter-affidavits filed by respondent Nos.1 to 3 and respondent Nos.4 and 5, it is unnecessary for this Court to examine the correctness or otherwise of the complaint made by the petitioner regarding the bogus nature of respondent Nos.4 and 5 societies. It will, however, suffice if the competent authority considers the respective claims of the petitioner and respondent Nos.4 and 5 and decide as to whether all the three societies are genuine or anyone or more of these societies are bogus. Though the petitioner claims to have made a representation to respondent No.1, in my opinion, respondent No.3 who is the functional registrar is the authority concerned to deal with the dispute. However, the learned counsel for respondent Nos.4 and 5 stated that in the previous litigation, responsibility was fixed on respondent No.2 for the alleged loss on account of not collecting the lease amounts. In view of this submission, I feel it appropriate to permit the petitioner to make a detailed representation to respondent No.2. Upon receipt of such representation, respondent No.2 shall issue notices to the petitioner as well as respondent Nos.4 and 5 societies. He shall pass a detailed speaking order after giving due opportunity to all the parties concerned of putting forth their pleas and communicate the same to all the three societies. Depending upon the outcome of the adjudication, respondent No.2 shall issue appropriate direction to respondent No.3 for taking action as per law against the societies which are found bogus, if any. He shall complete this exercise within a period of two months of receipt of the representation from the petitioner.

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.16675 of 2011 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

03rd June, 2015

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