

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.18601 of 2013

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents 1 to 3 and the learned counsel for the respondents 4 & 5.

The case of the petitioner is that he is a fisherman and member of the Fishermen Cooperative Society, Kommala Village, Arvapally Mandal, Nalgonda District. It is having two tanks by name Gangadevi Cheruvu and Chowta Cheruvu.

The society was registered in the year 1997. The tanks belong to the Gram Panchayat and with the permission of the respondents 1 to 3 the society is taking leasehold rights from the Gram Panchayat.

While so, it appears that fishermen of Adivemula village wanted to form a new society and submitted an application to the second respondent. After receipt of the application, the second respondent issued a notice to the President of the Fishermen Cooperative Society, Kommala Village asking him to submit a certificate stating that Chowta Cheruvu falls within the Kommala village area from the Tahsildar, Arvapally Mandal on or before 16.08.2011. The President of the Society filed the explanation enclosing a copy of the certificate dated 08.09.2011 issued by the Tahsildar, Arvapally Mandal.

Now, the present writ petition is filed challenging the action of the respondents 1 to 3 in permitting the fourth respondent to hold right of lease over the said tank without treating his representation dated 03.12.2012.

The learned counsel for the respondents 4 & 5 submits that they have filed an application before the second respondent for formation of new society at Adivemula Village. By virtue of interim orders granted by this Court in WPMP No.22723 of 2013 in WP No.18601 of 2013, the respondents 1 to 3 are not taking any action on the application of the respondents 4 & 5. Accordingly they have filed WVMP No.1560 of 2014 in this writ petition for vacation of the *status quo* order granted by this Court.

A counter affidavit is filed on behalf of the first respondent admitting the above facts regarding formation of Fishermen Cooperative Society, Kommala in the year 1997 and its leasing out of Chowta Cheruvu of Adivemula village to the Fishermen Cooperative Society, Kommala Village. It is also stated in the counter affidavit that the villagers of Adivemula village submitted a representation for formation of new society on 27.10.2010. But by virtue of the interim orders passed by this Court, they are not taking further action on the said application. The counter affidavit further states that as per G.O.Ms.No.766 Food & Agriculture (Fish.II) Department, dated 30.12.1990 the fishing rights of Chowta Cheruvu will be disposed off in the open auction.

In view of the above facts, now the dispute is for Chowta Cheruvu, which is admittedly within the area of the jurisdiction of the Fishermen Cooperative Society, Kommala Village. Now the application of the respondents 4 & 5 who belonged to Adivemula village for formation of separate society is pending for consideration before the respondents 1 to 3.

Now, it is open to the respondents 1 to 3 for formation of separate society at Adivemula village in accordance with the provisions of A.P. Cooperative Society and the bye-laws after hearing the petitioner as well as the respondents 4 & 5.

Accordingly, the writ petition is disposed of. However, there shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

(A. RAMALINGESWARA RAO, J)

Date: 11.06.2015

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