

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD**  
**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

**WRIT PETITION No.34016 of 2014**

Between:

Fishermen Co-Operative Society Voilasingaram.

....Petitioner

and

State Government of Telangana,  
Rep.by its Principal Secretary,  
Animal Husbandry, Dairy Development and  
Fisheries Department,  
Secretariat Buildings, A.P., Hyderabad,  
and others.

....Respondents

**JUDGMENT PRONOUNCED ON : 07.10.2015**

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**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

1. Whether Reporters of Local newspapers : Yes  
may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No  
Marked to Law Reporters/Journals?

3. Whether His Lordship wishes to : No

see the fair copy of the Judgment?

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**WRIT PETITION No.34016 of 2014**

**ORDER:**

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner Society is a registered Society and having its area of operation in Voilsingaram Village having only one tank – Vooracheruvu. The extent is 263 hectares. There are nearly 175 members. The Society obtained a lease of fishing rights as per G.O.Ms.No.776, Food and Agriculture (Fish.II) Department, dated 31.12.1990, till 2008-09. Since the said tank was used for drinking water purpose, the District Collector, Nalgonda, issued proceedings on 23.06.2009 including the said tank along with seven other tanks by prohibiting them from leasing out for fishing purposes. The said orders were issued on the report of the Superintendent Engineer, RWS Department, Nalgonda, dated 22.06.2009. Challenging the consequential proceedings of the said order, the petitioner filed W.P.No.2057 of 2010 and the same was dismissed as withdrawn on 04.03.2014. Thereafter, several representations were filed seeking permission for lease of fishing rights. On the basis of the same, the District Collector constituted an Expert Committee to study the feasibility of granting leasehold rights for fishing in Vooracheruvu of Voilsingaram. The Deputy Director of Fisheries, Nalgonda, issued proceedings on 25.01.2014 constituting the Expert Committee. The said Committee submitted a report to the District Collector on 11.06.2014. After going through the said report, the District Collector issued an order on 25.07.2014 to the Deputy Director, Fisheries, Nalgonda, in pursuance of which, the Deputy Director issued proceedings on

30.07.2014 according permission for fishing under lease to the Society subject to the conditions mentioned therein. Thereafter, the Society convened a general body meeting to discuss the issue of lease of fishing rights. When the said matter was under consideration, the Deputy Director, Fisheries, Nalgonda, issued a notice on 22.09.2014, based on a news item published on 18.09.2014, calling for explanation from the petitioner with regard to the conduct of public auction of fishing rights by the Society. The petitioner submitted an explanation on 29.09.2014 denying the allegation. However, the Deputy Director of Fisheries issued proceedings on 01.10.2014 canceling the proceedings dated 30.07.2014 according permission for granting lease for fishing purposes. Challenging the same, the present Writ Petition is filed.

A counter affidavit is filed by the third respondent admitting the lease in favour of the Society till 2008-09. It is also admitted in the counter affidavit that the Expert Committee recommended for fishing in Vooracheruvu tank subject to certain conditions. Based on the said report of the Expert Committee, proceedings were issued on 30.07.2014. But, when a news item was published in Eenadu Telugu Daily District Edition dated 18.08.2014 stating that there would be pollution in the tank due to fishing activity, the Society is putting the leasehold rights to open auction to some fishing merchants from Kodad and Huzurnagar Mandals, contrary to the Government Orders, an enquiry was conducted and after ascertaining the fact, a show cause notice was issued to the Society. Since the enquiry revealed that the leasehold rights were put to auction by the Society, it was decided to cancel the permission given earlier and, accordingly, orders were issued. The decision taken was in anticipation of violation of conditions in future by the Society and in view of the fishing rights to one member of the Society without obtaining fishing rights from the Department.

The above facts would make it clear that the Society was enjoying the benefit of leasehold rights till 2008-09. Thereafter, the fishing activity in several tanks, including that of the petitioner Society, was prohibited. But, on the representation by the Society, the Expert Committee was constituted, which

recommended for grant of fishing rights, subject to the following conditions:

- “1. Gill nets with teppas only should be allowed for Fishing.
2. Artificial feed & Chemical should not be allowed for Fish.
3. Water should not let out during exploitation.
4. Fishing should be conducted under the supervision of FDO, AE, RWS, VRO & Panchayat Secretary, Voilasingharam.
5. Seed Stocking should be done in the presence of Fisheries Development Office, as per Departmental norms.
6. Fishing should be conducted from October to January when the water level of the Tank is above 12 feet.
7. If the above conditions are violated by the Society during Fishing lease Agreement will be summary cancelled and criminal action will be initiated against managing committee of the Society.”

Now a decision is taken in anticipation of violation of those conditions. One cannot take an action based on apprehension and it is for the authorities to take precautionary measures, but not totally prohibit the activity based on news item.

In the circumstances, the third respondent is directed to follow the existing circulars, more particularly G.O.Ms.No.776, dated 31.12.1990, and consider grant of leasehold rights for fishing in Vooracheruvu tank by the petitioner Society, subject to the above conditions recommended by the Expert Committee or by incorporating some other conditions while granting permission. In view of the same, the impugned order in Letter No.888/C/2011, dated 01.10.2014, is set aside and the matter is remanded to the third respondent.

The Writ Petition is, accordingly, allowed to the extent indicated above. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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**(A.RAMALINGESWARA RAO, J)**

07.10.2015

Note: Issue C.C by 09.10.2015.

B/o.

vs