

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT APPEAL No. 327 OF 2016

07-06-2016

Between:

The Fisherman Cooperative Society, Lalgadi Malakpet, Shamirpet Mandal, Rangareddy District, rep., by its President S. Srikath, S/o. S. Nagaiah, aged about 26 years, R/o. H.No. 1-29, Lalgadi Malakpet Village, Shamirpet Mandal, RangaReddy District

... Appellant

And

The Fishermen Co-Operative Society, Turkapalli, Shamirpet Mandal, Ranga Reddy District, rep., by its President R. Pedda Ramulu, S/o. Asaiah, aged 67 years, R/o. Turkapalli Village, Shamirpet Mandal, Ranga Reddy District and others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
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WRIT APPEAL No. 327 OF 2016

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the appellant and Sri Krishna Reddy, learned Government Pleader for respondent Nos. 2 to 4.

This appeal is directed against the order dated 29-04-2016 passed in Writ Petition No. 15734 of 2016 whereby learned Judge has disposed of the writ petition with direction to the Assistant Director of Fisheries to consider and decide the writ petitioner's representation on merits in accordance with law, after giving an opportunity of being heard to the contesting fishermen cooperative society i.e., the appellant.

Sri Linga Rao, learned counsel for the appellant submits that writ petition itself was not maintainable and, therefore, the order that has been passed by the learned single Judge without even issuing notice to respondent No.4 i.e., the appellant deserves to be set aside.

We are not inclined to consider this submission and to enter into merits of the case though learned counsel made attempts to raise contentions on merits of the case. As a matter of fact, the order is harmless and does not affect any rights of the appellant. The learned Judge was conscious that when the order was passed none appeared on behalf of the appellant and, hence, while parting he made it clear that in the interests of both sides, notice be given to the contesting

fishermen society i.e., the appellant. In this view of the matter and having considered that no adverse order has been passed against the appellant, we are not inclined to interfere with the impugned order. The judgment relied upon by learned counsel for the appellant in ***Mohd. Khaja Pasha v. Mohd. Ali***^[1] has no application, in view of peculiar facts and circumstances of the case.

It is open to the appellant to file their reply to the representation before the concerned authority. It is needless to mention that the concerned authority shall grant an opportunity of being heard to the appellant while deciding the representation. We hope and trust that the concerned authority shall consider all objections that will be raised by the appellant and pass a speaking order.

Writ appeal is accordingly dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

07-06-2016

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^[1] 2004 (5) ALT 439