

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.25053 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the inaction of respondent Nos.2, 3 and 5 in considering the petitioner resolution and representation dated 02.07.2016 and 04.07.2016 respectively to grant leasehold rights on fixing upset price to put seed in eleven kuntas for current Fasli i.e., for the year 2016-17, without considering petitioner's resolution and representation dated 02.07.2016 and 04.07.2016 respectively.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development (TG) appearing for respondent Nos.1 to 4 and Sri G.Narender Reddy, the learned Standing Counsel for respondent No.5–Pulluru Gram Panchayat.

3. The petitioner is the Tribal Fishermen Co-operative Society Limited of Pulluru Village, Garla Mandal, Khammam District. As per the case of the petitioner, the area of operation of the petitioner–Society covers 11 Kuntas viz., “1. Oorakunta, 2. Gate Kunta, 3. Vaddera Kunta, 4. Mohan Kunta, 5. Nandaram Kunta, 6. Thumma Kunta, 7. Dongalagandi Kunta, 8. Pilli Gundla Kunta, 9. Gundla Kunta, 10. Rupla Kunta, and 11. Vastram Kunta”, which are situated in Pulluru Village. The petitioner submitted resolution and representation dated 02.07.2016 and 04.07.2016 respectively to respondent Nos.2, 3 and 5.

4. The learned Standing Counsel for respondent No.5 submitted that the petitioner has no right whatsoever to fix the upset price of its own choice. He further submitted that respondent Nos.2 to 6 are the competent persons to fix the upset price taking into consideration the extent of the tank and other attending circumstances.

5. At the time of arguments, the only relief sought by the petitioner is to direct respondent Nos.2 to 5 to dispose of the petitioner's resolution and representation dated 02.07.2016 and 04.07.2016 respectively.

6. Having regard to the facts and circumstances of the case, respondent Nos.2 to 5 are hereby directed to dispose of the resolution and representation of the petitioner dated 02.07.2016 and 04.07.2016 respectively in the light of G.O.Ms.Nos.343, dated 10.04.1978, G.O.Ms.No.499, dated 25.11.1995 and G.O.Ms. No.546, dated 25.03.1999, as expeditiously as possible, preferably within a period of fifteen (15) days from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. No costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 28.07.2016
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