

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.25089 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue writ of mandamus declaring the action of the respondents in not considering the resolution of the Petitioner Gram Panchayat, dated 20-06-2016 to grant lease hold rights for Fasli 1426 i.e., for the year

2016-17 to 'Ayyapa Reddy Tank' situated at Chintagunta village, Yerravari Palem Mandal, Chittoor District as per G.O.Ms.No.776, dated 31-12-1990 and G.O.Rt.No.48, dated 20-02-2016 as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Fisheries.

3. It is the case of the petitioner that 'Ayyapa Reddy Tank', an extent of Ac.140.09 cents situated in Chintagunta village, Yerravari Palem Mandal, Chittoor District is under the control of the Fisheries Department. It is the further case of the petitioner that the petitioner's Gram Panchayat was granted lease hold fishing rights for the Fasli 1426. It is the further case of the petitioner that there is no recognized Fisherman Co-operative Society in Yerravari Palem Mandal, Chittoor District. The petitioner's Gram Panchayat passed resolution, dated

20-06-2016 requesting the Fisheries Department to grant lease hold rights in favour of the petitioner's Gram Panchayat. The petitioner submitted resolution to the 4th respondent to allot tank in favour of the petitioner. It is the further case of the petitioner that as per G.O.Ms.No.776, dated 31-12-1990 and G.O.Rt.No.48, dated 20-02-2016, the petitioner is entitled for fishing rights over Ayyapa Reddy Tank.

4. Learned Assistant Government Pleader for Fisheries submitted that the petitioner is not entitled for fishing rights if there is recognized Fisherman Co-operative Society in the village. No material is placed before this Court to show whether there is any Fisherman Co-operative Society in the village or not. The only relief sought for by the petitioner is to direct the respondents to consider the resolution, dated

20-02-2016 in terms of G.O.Ms.No.776, dated 31-12-1990 and G.O.Rt.No.48, dated 20-02-2016.

5. Having regard to the facts and circumstances of the case, respondent Nos. 3 and 4 are directed to consider the resolution of the petitioner's Gram Panchayat, dated 20-02-2016 in the light of G.O.Ms.No.776, dated 31-12-1990 and G.O.Rt.No.48, dated 20-02-2016 and pass appropriate orders thereon as expeditiously as possible preferably within a period of one month from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending, in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 04-08-2016.

Hsd