

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 22637 of 2016

ORDER:

The petitioner Society challenges the order dated 25.05.2016 passed by the District Panchayat Officer, Krishna District at Machilipatnam, the 3rd respondent herein, which directed the Panchayat Secretary, Bantumilli Gram Panchayat to hand over the tanks to the Society from 01.07.2018 onwards, i.e. after completion of the present lease period as per Rules.

The case of the petitioner is that in terms of the Rules prescribed in G.O.Ms.No. 343, Panchayat Raj Department, dated 10.04.1978, the gram panchayat shall lease out the rights of fishing in the tanks lying in the scheduled areas *only to the Fishermen Co-operative Society of local area, Rajaka Seva Sangam and Fishermen Co-operative Societies consisting of Scheduled Tribes as members or in the absence of the above to the members of the Scheduled Tribes only through open auction*. Contrast thereto, when Respondents 5 to 7 sought to auction the fishing rights of the tanks of Bantumilli Gram Panchayat, the petitioner Society approached this Court by filing Writ Petition No. 34637 of 2015, wherein *vide* order dated 14.10.2015, it has been directed that “..... If the petitioner submits the representation within one week from today, the 3rd respondent shall consider the same and pass appropriate orders as warranted by law, as expeditiously as possible, at any rate before the auction is conducted. If the petitioner is aggrieved by any further decision of the 3rd respondent, it is open to the petitioner to work out his remedies in accordance with law.” Since the respondents have not chosen to pass any order on their representation, the petitioner Society has filed C.C. No. 681 of 2016. After receipt of notice therein, the 3rd respondent has passed the impugned order stating that the open auction has already been conducted in August 2015, prior to the orders passed by this

Court in Writ Petition No. 34637 of 2015 and the lease agreement has also been entered with the third parties for a period of three years, hence, observed that the petitioner can renew their request after expiry of the lease granted in favour of the third parties.

Learned counsel for the petitioner Society contends that the lease granted in favour of the third parties is contrary to the law laid down by this Court in ***Fishermen Co-operative Society Ltd. v. District Collector, East Godavari Dist.***^[1] to the effect that the lease through open auction could not have been granted for more than one year.

Heard Sri Ravi Cheemalpati, learned Standing Counsel for Respondents 5 to 7 gram panchayats.

Admittedly, the petitioner has not laid a challenge either to the auction conducted by the respondent authorities or to the leasehold rights granted in favour of the 3rd parties. The petitioner has not even made the said third parties, in whose favour fishing rights are said to have been granted, as party respondents to this Writ Petition. The order dated 25.05.2016 is a communication emerged pursuant to the directions issued by this Court in the earlier round of litigation. By merely challenging the said communication, the petitioner cannot seek the consequential relief prayed for in the Writ Petition and hence, it cannot be granted.

In these circumstances, leaving it open to the petitioner to take appropriate steps in accordance with law, if he is aggrieved with respect to either putting the leasehold rights to auction or granting leasehold rights in favour of the successful bidder, this Writ Petition stands closed. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand closed.

CHALLA KODANDA RAM, J.

15th July 2016

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[\[1\]](#) 1999(2) An. W.R. 81