

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6749 OF 2016

ORDER:

The writ petition is filed challenging the action of the 2nd respondent in objecting and obstructing the petitioner from doing the fish activity and from catching the fish from the Leasehold Tank.

The grievance of the petitioner is that he is a successful bidder in the auction conducted in the year 2013 for a period of three years for fishing rights in the 2nd respondent's fish tanks. The bid amount was Rs.17,50,000/- which is to be paid in three instalments. Petitioner had paid Rs.5,80,000/-. According to the petitioner, there is only an amount of Rs.4,61,150/- is due and payable to the respondents. Though the petitioner had paid various amounts to the 2nd respondent-Gram Panchayat in the presence of the President of the said Gram Panchayat, he is not being permitted to catch the fish. However, in good faith, petitioner did not obtain the receipts for the payments made by him.

On the other hand, learned counsel appearing for the 2nd respondent-Gram Panchayat disputes the receipt of any money and he further pointed out that in the legal notice dated 08.02.2016, it was categorically asserted that a sum of Rs.11,73,332/- is due and payable as the petitioner had paid only Rs.5,80,000/-, he had failed to pay Rs.5,83,333/- on or before 31.03.2015 and he is also due to pay another sum of Rs.5,83,333/- on or before 31.03.2016.

Having considered the rival submissions and the issue involved in the matter is a simple in nature, the writ petition need not be kept pending and it can be disposed of at the admission stage.

However, the learned counsel for the petitioner made an offer that the petitioner is ready and willing to pay Rs.5,83,333/- which is due to be paid on or before 31.03.2015. Further, the petitioner is also ready and willing to furnish the bank guarantee for the balance amount of Rs.5,83,333/-, if the 2nd respondent-Gram Panchayat

permits the petitioner to carry on the fielding of the fish and also to harvest the same on or before 31.03.2016. Further, as the offer made by the learned counsel for the petitioner is acceptable to the 2nd respondent-Gram Panchayat, the writ petition is being disposed of in terms of the said offer i.e., the petitioner to pay Rs.5,83,333/- within a period of two weeks from today and furnish the bank guarantee.

Accordingly, the writ petition is disposed of directing the petitioner to pay a sum of Rs.5,83,333/- (Rupees five lakhs eighty three thousand three hundred and thirty three only) to the 2nd respondent-Gram Panchayat within a period of two weeks from today.

On such payment is being made, the petitioner shall be allowed to feed the fish in the tank. After the petitioner furnishes the bank guarantee, petitioner shall be allowed to harvest the fish in the tank. No order as to costs.

In view of the disposal of the main writ petition, Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

CHALLA KODANDA RAM,J

Date:03.03.2016.
Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Date:03.03.2016

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