

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.24858 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 the third respondent in granting lease of fishing rights in respect of (1) C.S.Puram and (2) Parumu tanks to petitioner Society, in spite of its representation dated 11.7.2016, as per G.O.Ms.No.776 Food & Agriculture (Fish.II) Department, dated 31.12.1990, as illegal, arbitrary, contrary to the said G.O., and violative of Articles 14, 19 and 21 of the Constitution of India.

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Fisheries (A.P.).

3. The petitioner society was registered in the year 1974 under the Societies Registration Act. The society is having 192 members. The area of operation of the society is covered over eight tanks, but fishing operations are carried on in three tanks only viz., (1) C.S. Puram, (2) Pamuru and (3) Mopadu tanks. The very object of the society is to look after the welfare of its members, who belong to fishermen community. The society made a representation to the third respondent on 11.7.2016 to grant lease of fishing rights in (1) C.S. Puram tank and (2) Pamuru tank.

4. The predominant contention of learned counsel for the petitioner is that as per G.O.Ms.No.776, dated 31.12.1990 first preference should be given to the genuine fishermen cooperative societies while leasing out the fishing rights in the tanks. As rightly pointed out by the learned counsel for the petitioner, the petitioner society, being a registered one, is entitled for leasehold rights of fishing in (1) C.S. Puram and (3) Pamuru tanks. Learned Assistant Government Pleader submitted that the respondents have not objection to consider the representation of the society.

5. Taking into consideration the facts and circumstances of the case, the third respondent is hereby directed to dispose of the representation of the petitioner society dated 11.7.2016 for allotment of the leasehold rights in the fish tanks of (1) C.S. Puram and (2) Pamuru to the petitioner in view of G.O.Ms.No.776, dated 31.12.1990, as expeditiously as possible, preferably within a period of one month from today.

6. With the above direction, the writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

July 29, 2016.

NOTE:

Dispatch order copy by

05.8.2016.

(By order)

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