

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.27301 of 2012

ORDER:

Maddukuri Ayyaparaju and Krovvidi Veeraju are the petitioners. Petitioners are residents of Daravaram and Markondapadu villages respectively. Petitioners pray for Mandamus directing the respondents to delink the fishing rights of Malakodu water tank in Daravaram village, Chagallu Mandal, West Godavari District from the fifth respondent and attach the tank to Markondapadu Fishermen Society.

2. Petitioners, apart from being the residents of the villages, referred to above, claim to be members of Markondapadu Fishermen Cooperative Society, which was registered on 31.01.1985. According to petitioners, the area of operation of Markondapadu Fishermen Cooperative Society ought to have the fishing rights of the subject tank. Petitioners, *inter alia*, refer to grant of fishing rights to the persons claiming through the fifth respondent for the period from 01.07.2012 to 30.06.2015.

3. It is clear that by the time the writ petition is taken up and heard, the period of lease granted in favour of the fifth respondent is over and the same is not considered by this Court.

The non-consideration of grievance on subject tank, having regard to the fact situation of this case requires consideration of this Court.

The grievance of petitioners is that the subject tank cannot and could not be continued with Nidadavolu Fishermen Cooperative Society Limited, for Daravaram village is at far off place to Nidadavolu. Daravaram village is in a different Mandal and the rights of fishermen of subject village ought to be considered and

appropriate decision is taken by the competent authority.

4. The writ prayer, no doubt, proceeds on the assumption that there is already adjudication on the exclusion of Daravaram from the area of operation of the fifth respondent and to tag on to Markondapadu Fishermen Cooperative Society. There is no consideration and expression of view by competent authority.

From the material available on record, it appears the petitioners have registered fishermen society registered for the area of operation including Daravaram but are unable to have any water source to cater to the needs of fishermen of the society. Therefore, this Court is satisfied that the writ petition can be disposed of by this order.

5. The Markondapadu Fishermen Cooperative Society and/or the petitioners herein are given liberty to represent within four (4) weeks from today to respondents 1 to 3 for deleting the subject tank from the area of operation of the fifth respondent and attach the same to petitioner society by enclosing a copy of this order. Respondents 1 to 3 are directed to consider the representation in accordance with the extant rules and guidelines issued by the Government and pass appropriate orders within a period of three (3) months thereafter.

This Court has left it to competent authority to decide the grievance for merits are not considered by this Court.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

June 8, 2016
DSK

