

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18583 OF 2016

ORDER :

This Writ Petition is filed complaining inaction on the part of the respondent authorities in admitting the petitioners as the members of the 5th respondent Fishermen Cooperative Society, Kothapalem, Dharur Mandal, Mahabubnagar District.

The petitioners claim to be the land oustees on account of acquisition of their lands situated in Guddemdoddi and Maldoddi Villages of Dharur Mandal, Mahabubnagar District for formation of Guddemdoddi Balancing Reservoir about ten years ago. Since then, they are eaking out their livelihood by conducting fishing operations in the said reservoir. Therefore, they have submitted representations dated 18.02.2016 and 17.03.2016 to the 4th respondent Assistant Director of Fisheries and Ex-officio Deputy Registrar of Cooperative Societies, Mahabubnagar to admit them as the members in the 5th respondent Cooperative Society and grant them licence to catch fish in the said reservoir. So far, no action has been taken thereon is the main complaint of the petitioners in this Writ Petition.

Heard learned counsel for the petitioners.

Learned Government Pleader for Fisheries (Telangana) would submit that in terms of the policy decision contained in G.O.Ms.No. 779 Forest & Fisheries Department, dated 01.07.1988, only the Fishermen Cooperative Societies are entitled to carry on fishing operations in whose favour, rights have been conferred, but not the individuals. He would further submit that Rule 12-A of the Andhra Pradesh Cooperative Societies Rules, 1964 prescribes that any person duly qualified for admission as a member under sub-section (2-A) of Section 19 of the Andhra Pradesh Cooperative Societies Act, 1964 may apply for membership of any of the societies mentioned therein in Form 'J'. Since the petitioners have not submitted their Applications in the prescribed Form specified under Rule 12-A of the Rules, their cases need not be considered is what

the learned Government Pleader contends.

Admittedly, the petitioners have made representations to the 4th respondent to consider their cases for granting licence and to admit as the members of the 5th respondent society which is not in conformity with the Form prescribed under the Rules. Hence, instead of rejecting their case on that ground, it would be appropriate in the interests of justice to give liberty to the petitioners to make an Application to the competent authority in the prescribed Form. Ordered accordingly. On such making an Application, in three months' time, the same shall be considered and processed in terms of the rules notified under the 1964 Rules.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

28th June 2016

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