

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.5589 OF 2010

ORDER:

The action of the second respondent, in proposing to register the Proposed Fishermen Co-operative Society of Gunjepalli village, by its letter dated 29.01.2010, without including the petitioners Village Fishermen, is questioned in this Writ Petition as being arbitrary and illegal.

The petitioners claim that they are the Chief Promoters of the Village Traditional Fishermen Community; they had submitted a representation to the second respondent to register a Fishermen Co-operative Society for their villagers, since there was no society in existence; the second respondent had informed them that the villagers of Gunjepalli village had also made a similar representation; on the advice of the second respondent, that they include their Village Fishermen in the proposed Fishermen society of Gunjepalli village, they had agreed to do so; the second respondent had, however, submitted the proposal to the first respondent without including the petitioners names therein; and this action of the second respondent would only enable the villagers of Gunjepalli to grab the fishing wealth of the reservoir.

In the counter-affidavit filed on behalf of the second respondent, it is stated that, while the second respondent has been conferred the power to register co-operative societies located within the peripheral area of 10 kms from the reservoir, the petitioners village was located more than 12 kms away from the peripheral area of the reservoir; the petitioners had two water bodies with an extent of 125 hectares at

Sankepally and Vellam cheruvu; and if they still desired to form a registered society, the department was ready to take up the process.

In the light of the averments in the counter-affidavit, I see no reason to interfere with the impugned proceedings. Suffice it to make it clear that the order now passed by this Court, shall not disable the petitioners from requesting the authorities concerned to register them as a Fishermen Co-operative Society; and, on such an application being made, the respondent authority shall consider the same in accordance with law. The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

Date: 03.11.2017.

MRKR

RAMESH RANGANATHAN, ACJ

