

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.26742 of 2014

ORDER:

The short and long of the petitioner's complaint is that the statutory recognition of setting apart one tank for the benefit of Rajaka Seva Sangham vide G.O.Ms.No.343, dated 10-04-1978 is not considered or accepted, but further steps have been initiated for conducting auction of fishing rights of the only tank in the village on 20-09-2014.

I have heard Mr.V.V.Prabhakar for petitioner and Mr.Cheemalapati Ravi for the 4th respondent.

The entitlement or obligation to consider the case of petitioner in terms of G.O.Ms.No.343, dated 10-04-1978, is not joined issue by respondents 2 to 4. The objection raised by the respondents is that inspite of the Gram Panchayat granting sufficient time to petitioner to comply with objection pointed by the Gram Panchayat, but the petitioner has not made good the objections pointed out for treating the petitioner as a Society and considering its case for allotting Tank under the jurisdiction of Pedaprolu Gram Panchayat.

I have perused the representations of petitioner's Society dated 13-08-2014 and 21-08-2014 and the auction notice dated 01-09-2014.

Prima facie, it appears that the decision to conduct public auction of leasehold rights of subject Tank, it appears, is taken up and proceeded with without giving due consideration to the

representations given by the petitioner. No doubt, the objection pointed out by Sri Cheemalapati Ravi that the members of petitioner's Society are casual, cannot also be overlooked. Be that as it may, since the right of petitioner is traced to G.O.Ms.No.343, dated 10-04-1978, to meet the ends of justice and also to ensure consistency in the allocation and enjoyment of subject tank under the consideration of the 4th respondent, the writ petition is disposed of by this order.

(a) The interim order granted on 10-09-2014 is extended for a period of eight weeks from today.

(b) The petitioner is given liberty to comply with all objections raised by Gram Panchayat and re-submit representations 13-08-2014 and 21-08-2014, along with a copy of this order, within two weeks from today.

(c) The Gram Panchayat is directed to examine the representations, take a decision and communicate to petitioner on or before 15-05-2017.

(d) Subject to the outcome of the decision, the Gram Panchayat takes, in this behalf, Lease hold rights are conferred or regulated in accordance with law.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 13-03-2017
Pv

