

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.28816 of 2017

ORDER:

Heard the learned Counsel for the petitioner.

It is the case of the petitioner that it was registered on 29.06.2000 under the provisions of the Andhra Pradesh Cooperative Societies Act and the Society is conducting fishing operations in eight tanks situated at Inturu Village. The Society was exclusively formed for the members of Yerakula (Scheduled Tribe) community. It is the further case of the petitioner that as per G.O.Ms.No.343, Panchayat Raj (SAM.I) Department, dated 10.04.1978, the Gram Panchayat has to lease out the tanks vested with it to the registered Fishermen Cooperative Society, and accordingly, the petitioner was being given the leasehold rights. It is noticed by the petitioner that the villagers of the fifth respondent are encroaching into the water bodies and reducing the size of the tanks. In those circumstances, the petitioner submitted a representation to the respondents on 12.12.2015 requesting them to take action for removal of the encroachments. The petitioner submitted another representation on 10.10.2016 to the second respondent and after correspondence, ultimately the third respondent passed an order on 24.05.2017 directing the fifth respondent to conduct survey of the tanks and to fix boundaries by removing encroachments. Alleging non-implementation of the said order, the present Writ Petition is filed.

There is no evidence to show that the said order was not implemented as the petitioner never brought it to the notice of the fifth respondent and sought implementation. The petitioner also did not complain to the third respondent, who passed the order, with regard to the non-implementation of his order. However, the present Writ Petition is filed directly before this Court seeking its implementation and this Court cannot sit as an executing Court for implementation of the orders of the third respondent. It is for the third respondent to take appropriate action if his order was not implemented by the fifth respondent.

In the circumstances, this Court sees no ground to entertain the present Writ Petition. The Writ Petition is, accordingly, dismissed. However, this will not prevent the petitioner from taking appropriate action in accordance with law before the third respondent seeking implementation of the order. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

28.08.2017
vs

(A.RAMALINGESWARA RAO, J)