

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION No.41266 of 2017**

**ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

**“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to issue a Writ, order or direction and more particularly one in the nature of writ of Mandamus declaring the action of the Respondents not implementing the resolution passed by Vayula Singaram Fisherman Co-operative Society dated 20-10-2015 for payment of amount of Rs.9,00,000/- to the petitioner which was used for development of society and its expenses from the fishes which were Voora Cheruvu in tank of Vayula Singaram Village is as illegal, arbitrary, contrary to law and facts under the following facts and circumstances of the case and pass such other order or orders in the interest of Justice.”**

(Reproduced verbatim)

2. I have heard the submissions of Sri *B.Papa Rao Goud*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Fisheries appearing for the respondents 1 to 5. I have perused the material record.

3. Learned counsel for the petitioner would submit that when the 6<sup>th</sup> respondent - Fisherman Co-operative Society is in dire need of money, the petitioner advanced certain sums to the Society and that the Society, in its resolution, dated 20.10.2015, gave powers to the President of the Society insofar as the discharge of the loan amount due by the Society to the petitioner and that so far, the amount is not repaid and that in the meanwhile, an amount of more than Rs.20,00,000/- due and payable to the Society was deposited by the contractor with the District Fisheries Development Officer, Suryapet District, 3<sup>rd</sup> respondent herein, and that, therefore, the writ petition is

filed to direct the said Officer to pay the amount due to the petitioner in a sum of Rs.9,00,000/- from out of the said amount.

4. Learned Government Pleader for Fisheries appearing for the respondents 1 to 5 would submit that the petitioner, if aggrieved has to approach the District Co-operative Registrar under Section 61 of the TSCS Act for resolution of his dispute and that the writ petition is not maintainable.

5. Learned counsel for the petitioner, in reply, would submit that the petitioner would pursue the remedy available under the law and that until such time, his interest may be protected.

6. Having regard to the submissions, the Writ Petition is disposed of, reserving liberty to the petitioner to approach the competent authority under the TSCS Act for redressal of his grievance within a period of four (04) weeks from the date of receipt of a copy of this order. Till such time, the District Fisheries Officer, Suryapet District, 3<sup>rd</sup> respondent herein, is directed to withhold Rs.9,00,000/- with him from out of the amount, if any, due to the 6<sup>th</sup> respondent Society.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

---

**JUSTICE M. SEETHARAMA MURTI**

Date: 8<sup>th</sup> December, 2017

KL

88

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI****WRIT PETITION No.41266 of 2017**Date: 8<sup>th</sup> December, 2017

KL