

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.1711 of 2018

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Fisheries for respondent Nos.1, 2 and 5 and learned Government Pleader for Revenue for respondent No.3. Notice ordered and served even to respondent No.4 Society failed to attend and taken as heard to decide on merits. Perused the prayer in the writ petition with supporting affidavit and other material on record.

2. The prayer in the writ petition reads as follows:

“.....to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 4th Respondents in not joining the petitioners in the 4th Respondent Society as members in view of qualifying themselves in the skill test conducted by the skill test committee on 14.11.2016, also as per the proceedings of the 1st Respondent dt.09.11.2017 and also as per the proceedings of the 2nd Respondent dt.15.11.2016, by considering the Representation given by the Petitioners dt.06.11.2017 to the 3rd Respondent as illegal, Arbitrary and Contrary to the Guidelines issued by the Fisheries Department and also Contrary to Section 19(2-A), (2-B), (3) of the A.P. Co-operative Societies Act 1964 and consequently direct the 2nd and 4th Respondents to join the Petitioners as members of the 4th Respondent Society forthwith and allow them to Participate in the ensuing Elections to the 4th Respondent Society going to be conducted by the 3rd Respondent as the Society is under the control of the official person in-charge now and to pass such other order or orders as this Hon'ble court may deem fit just and proper in the circumstances of the case.”

3. It is the averment in support of the writ petition prayer from the affidavit of the 1st petitioner that the respondents are not allowing to join them as members of the 4th respondent Society even they are eligible for all respects duly qualified including in the skill test conducted on 14.11.2016 by a three men committee and even from the proceedings issued by the 2nd respondent-Assistant Director of Fisheries directing the 4th respondent to admit them into the Society as duly qualified. Section 19(3) of the A.P. Cooperative Societies Act, 1964, speaks of the Managing Committee of a Society shall not without sufficient cause, refuse admission to membership to any person duly qualified. Therefore, under the provisions of the Act and bye-laws and where admission is refused, the decision, with reasons therefor, shall be communicated by registered post to such person within fifteen days of date of the decision or within sixty days from the date of application for membership, whichever is earlier.

4. The provisions clearly speak the members have to apply. The proceedings of the Assistant Director supra, in No.183/B/201, dated 15.11.2016, speaks that the skill test was conducted on 14.11.2016 at Raparlavari Tank, Ipur, as per G.O.Ms.No.74 by the Three Men Committee consisting of the Assistant Registrar, President of the District Fishermen Co-operative Society, Guntur and Assistant Director of Fisheries, Guntur, and 14 persons out of 25 participated are found eligible, thereby to be admitted the said 14 persons (14 writ petitioners) and in directing the 4th respondent Society by according

permission to admit them as qualified and eligible otherwise subject to payment of the share capital and admission fees.

5. In view of this above, for nothing to show that the water spread area is less than the existing strength to be considered after admission of these persons and they are eligible subject to their applications. The 4th respondent shall admit the petitioners as members of the Society since otherwise eligible as per the proceedings of the 2nd respondent supra, within six weeks from the date of receipt of a copy of this order, by considering the applications if duly filed otherwise.

6. With the above direction, the writ petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

9th February 2018

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Dr. B. SIVA SANKARA RAO, J

