

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.1945 of 2018

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Fisheries representing respondent Nos.1 to 5 & 7 and before ordering notice to respondent No.6-society and unofficial respondent Nos.8 to 81 and perused the prayer in the writ petition with the supporting affidavit and other material on record including written instructions received by the learned Government Pleader supra.

It is the main contention by the learned counsel for the petitioners in support of the affidavit averments to the prayer in the petition that without following the procedure contemplated by law the members are seeking to admit by back door method, which is not sanctioned by law and thereby such procedure to be deprecated and the Collector should not have been forwarded to consider when it is not in the prescribed form.

It is the submission of the learned Government Pleader that so far as Fishermen Cooperative Society, Nagasamudram Village, CK Palli Mandal, Anantapuramu District, registered on 20.08.1985, there is scope of admission of 100 members still based on the water spread area of the Chikka Vadiyar tank and Nagasamudram Small tank located at Nagasamudram Village, spread to an extent of 301.98 hectares and 57.36 hectares and area of operation of Nagasamudram Village and there is a fishermen cooperative society at Nagasamudram, which is 6th respondent to the writ petition and the Assistant Director of Fisheries also submitted about the feasibility based on

conducting of skill test as per G.O.Ms.No.74. Even from consideration of these submissions undisputedly the members who are seeking to admit in the 6th respondent-society did not apply as per the prescribed format in Form-J of Rule 12-A(8) read with Section 192A of the Act. Once such is the case and it is the prescribed procedure, the same has to be followed.

Accordingly and in the result, this Writ Petition is disposed of with a direction to the members who are willing to apply, shall apply in the prescribed form to consider from eligibility. Needless to say the memo issued by the Collector based on the representation of any person to admit as member, shall not be given effect by virtue of this order.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 01.02.2018
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