

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.5555 OF 2018

ORDER:

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

“to issue writ or direction preferably Writ of Mandamus declaring the action of the respondent no.3 in not taking any action on the representations dt.11-12-2017 and 13-12-2017 of the petitioners to prevent 3rd parties from conducting fishing operations in respect of subject tank i.e. Pallicheruvu of respondent no.4 and not allowing petitioners and other members to conduct fishing operations as illegal, arbitrary and violation of principles of natural justice and consequently direct the respondent no.3 to take immediate action on the said representation submitted by the petitioners and allow only the members to conduct fishing operations.”

2. I have heard the submissions of Sri M.M.M.M.Srinivasa Rao, learned counsel for the petitioners, of the learned Government Pleader for Fisheries (TG) appearing for the respondents 1 to 3, and of Sri V.Roopesh Kumar Reddy, learned counsel for the 4th respondent. I have perused the material record.

3. In the writ petition, the case of the writ petitioners is that they are the members of the Fishermen Cooperative Society i.e., the 4th respondent Society; that they are fishermen by profession and are eking out livelihood by fishing operations; that the subject tank is under the area of operation of the 4th respondent Society; that the members of the Society are entitled to participate in the fishing operations; that non-members of the said Society are not entitled to partake in the fishing operations; that when the 4th respondent Society tried to lease out the tank to private

contractors, a representation was submitted by the petitioners to the 2nd respondent; that the said representation was followed up by another representation; and, that as no action has been taken, the present writ petition is filed.

4. On 20.02.2018, while ordering notice before admission, this Court granted the following interim order:

“Notice before admission.

Learned counsel for the petitioners is permitted to take out personal notice to the unofficial respondent No.4 by registered post with acknowledgment due and file proof of service.

At request of learned Government Pleader for Fisheries for respondent Nos.1 to 3 to get instructions, post on 28.03.2018 in the motion list.

In the meantime, the respondent Nos.1 to 3 are directed to take necessary steps to see that there shall not be any sub lease by 4th respondent-society to induct any third party.”

By the said interim order, it is clear that the respondents 1 to 3 are directed to take necessary steps to see that there shall not be any sub-lease by the 4th respondent Society and induction of third parties.

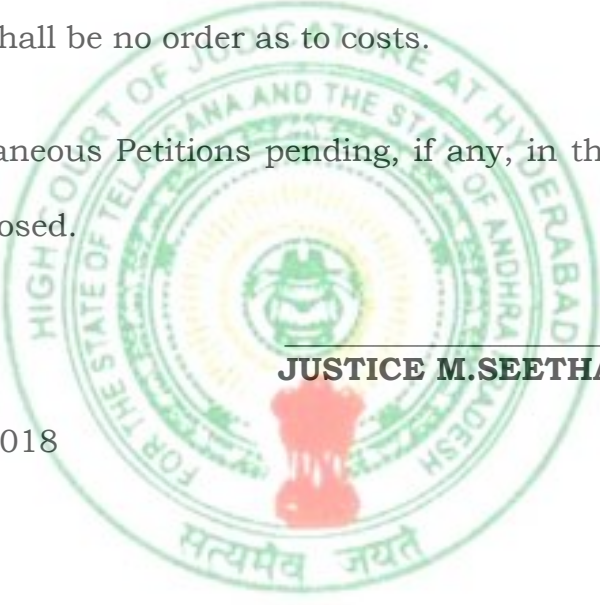
5. Learned counsel for the 4th respondent Society/vacate petitioner submits that the allegations in the writ petition are false and that the petitioners are not the members of the society; but, in any view of the matter, the interim order of this Court is being obeyed and necessary steps are taken to see that there is no sub-lease by the 4th respondent Society and induction of any third parties.

6. In view of the aforestated submissions, this Court is of the considered view that the interim order can be made the final order in this writ petition and the writ petition can be disposed of accordingly.

7. Accordingly, without going into the merits of the contentions raised by the parties in this writ petition, this Writ Petition is disposed of directing the respondents 1 to 3 to take necessary steps to see that there shall not be any sub-lease by the 4th respondent Society and induction of any third parties.

There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.



JUSTICE M. SEETHARAMA MURTI

Date: 19.06.2018
AMD

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