

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.15500 of 2018

ORDER:

In this writ petition seeking a writ of Mandamus, the petitioner-Society questioned the action of the 4<sup>th</sup> respondent in not considering the representation, dated 19.03.2018, with regard to issuance of fishing rights to the petitioner-Society in respect of Peddamandava Palke cheruvu, after collecting lease amount, as illegal, arbitrary and against the principles of natural justice & provisions of the Constitution of India.

I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Fisheries appearing for the respondents 1 to 4.

Learned counsel for the petitioner-Society, while reiterating the pleading in the affidavit filed in support of the writ petition, submits that the only request of the petitioner-Society is to consider and dispose of the afore-said representation in accordance with law & procedure and that for non consideration of the same, the present writ petition is filed. He would further submit that one of the reasons for non consideration of the representation is the pendency of the writ petition in WP.No.5555 of 2018 and that the said writ petition was disposed of by this Court by an order, dated 19.06.2018, and that in that view of the matter, there are no impediments for consideration of the representation of the petitioner-Society at this point of time. He would also submit that as stated in the representation the water in the fish tank is decreasing day by day and that if any further delay occurs in disposal of the representation, the members of the petitioner-Society suffer serious loss, a which cannot be compensated in terms of money.

Learned Government Pleader on written instructions, dated Nil, a copy of which is placed on record, would submit that as per the orders of this Court a direction *vide* Lr.no.661/ A/ 2017, dated 03.03.2018, is given by the Office of the District Fisheries Officer to the President of the petitioner-Society, Peddamandava, not to lease out the fishing rights to 3<sup>rd</sup> parties for conducting fishing operations and that a further direction is also given to enrol eligible members and remove ineligible members, but, the said direction regarding membership has not been implemented by the petitioner-Society and that, therefore, lease amount has not been collected and fishing rights have not been granted to the petitioner-Society in terms of the orders contained in 74 AH,DD & Fisheries, dated 21.10.2011. Having so stated, learned Government Pleader submitted that in view of the non compliance of the directions and the terms of the order stated supra, the petitioners are not entitled to the relief.

Having regard to the submissions, the Writ Petition is disposed of directing the 3<sup>rd</sup> respondent to consider and dispose of the representation, dated 19.03.2018, of the petitioner-Society in strict accordance with law and procedure, however, within two weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner within a week thereafter. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

25.06.2018  
Vjl