

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS JUSTICE J.UMA DEVI

Writ Appeal No.723 of 2018 & Writ Petition No.216 of 2018

COMMON JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in I.A.No.1 of 2018 in W.P.No.216 of 2018 dated 25.04.2018. The 1st respondent in the writ appeal filed W.P.No.216 of 2018 seeking a writ of mandamus to declare the action of the official respondents therein, in not giving fishing permission to their Society for the purpose of catching fish in four tanks, as illegal and arbitrary.

By the interim order under appeal, the Learned Single Judge directed respondents 2 to 5 therein, mainly on the ground that no counter-affidavit was filed, to issue to the 1st respondent-writ petitioner permission to catch fish in the subject tanks within two weeks from the date of receipt of a copy of the order.

Pursuant thereto, the Fisheries Department appears to have granted permission to the 1st respondent-writ petitioner on 08.05.2018 to remove fish from the subject tanks with certain conditions, which included that the fish were to be removed in the presence of the Fisheries Development Officer; the entire sale proceeds were to be deposited in a Nationalised Bank at the end of each day's sale; the entire amount lying in the bank account was to be distributed, at the end of the fishing season, to each of the members of the society; and the individual share of each member was to be credited to their respective bank accounts. The rate at which the fish was to be sold was to be determined by the general body of the Society which, in its meeting held on 14.05.2018, is

said to have fixed Rs.33/- per kilo as the price at which the fish should be sold. Thereafter, the Commissioner of Fisheries, by proceedings dated 01.06.2018, informed that the price fixed by the general body at Rs.33/- per kilo was not justified, and directed the District Fisheries Officer, Nalgonda to ensure that the fish caught by the 1st respondent-society shall not be sold at a rate less than Rs.60/- per kilo.

In the light of the aforesaid order of the Commissioner, the 1st respondent-writ petitioner is obligated to sell the fish only at Rs.60 per kilo, and to adhere to all the other stipulated conditions including that the fish be removed from the subject tanks in the presence of the Fisheries Development Officer; the sale proceeds, at the end of each day, be deposited in a Nationalised Bank; the entire proceeds so deposited to be distributed among the members of the 1st respondent-society; and each individual's share to be credited to the respective individual's bank accounts.

The Fisheries Development Officer shall ensure that the aforesaid conditions are scrupulously followed. The fisheries development officer shall also ensure that the order of the Commissioner of Fisheries, directing that fish should not be sold at a rate less than Rs.60 per kilo, is strictly implemented. In case there are no buyers at this rate, it is open to the 1st respondent-writ petitioner to seek modification of the price, at which the fish should be sold, from the Commissioner of Fisheries.

Sri M.Surender Rao, learned Senior Counsel appearing on behalf of the 1st respondent-writ petitioner, would submit that, in the light of the aforesaid directions, the cause in the Writ Petition no longer survives.

The Writ Appeal is disposed of, in accordance with the aforesaid directions, and the Writ Petition stands closed. Miscellaneous Petitions pending, if any, shall also stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

05th June, 2018
JSU

(J.UMA DEVI, J)



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Date: 05.06.2018

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