

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

W.P.M.P.No.38494 of 2017

IN/AND

WRIT PETITION No.8706 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

....to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 4th respondent in Proceeding No.2/ A/ 2015, dated:26-12-2016 and in subsequent letter No.2/ A/ 2015, dated 18-1-2017 directing the petitioner's society to admit 8 new members into the petitioner's society as illegal, arbitrary, without jurisdiction and violation of principles of natural justice and set aside the same and pass such other....."

2. The writ petitioner-Ganapavaram Fishermen Cooperative Society, Ganapavaram Village, Mylaaram Mandal, Krishna District, represented by its President, filed this writ petition against five official respondents, viz.,
- 1.The State of Andhra Pradesh, represented by its Secretary, Department of Fisheries,
 - 2.The District Collector, Krishna District, Machilipatnam,
 3. The Deputy Director of Fisheries, Machilipatnam,
 - 4.The Assistant Director of Fisheries and Deputy Registrar of Fishermen Cooperative Society, Vijayawada and also by impleading the name of the Assistant Director of Fisheries, Sri P.Jaja Rao as respondent No.5.
3. Heard the learned counsel for the petitioner and the learned Government Pleader for Fisheries appearing for the

respondents and perused the prayer in the writ petition with supporting affidavit and other material on record.

4. The impugned proceedings of respondent No.4/ 5 dated 26.12.2016 speaks that in W.P.No.38527 of 2016 filed by some persons, there was an order of this Court dated 09.11.2016; that as per the said order, the three men committee conducted the skill test of the writ petitioners, on 05.12.2016; that references were made to a memo of the Deputy Director of Fisheries-respondent No.3 dated 21.12.2016 and G.O.Ms.No.74 A.H.D.D. Fisheries Department, dated 22.10.2011; that the eight persons, who are qualified in the skill test are referred in the proceedings and thereby, as per Section 19(2A), (3) and (4) of the A.P.Cooperative Societies Act, 1964, the said eight persons have to be joined as members of the society. The same is impugned in this writ petition.

5. The main contention of the writ petitioner is that the area of the extension of the tank spread area in question must be correlated to the maximum strength of the members admitted in the society and it is, if not over subscribed more than sufficient to the extent from the existing members and they cannot admit them.

6. Having regard to the above, leave about the implead petition filed by Sandipamu Ramesh and others to implead

them as respondents 6 to 13, as they are prospective members to be joined, for, there is no necessity of their impleadment, much less, to keep pending the writ petition.

7. Accordingly, W.P.M.P.No.38494 of 2017 is dismissed and the Writ Petition No.8706 of 2017 is disposed of, directing the respondents to conduct enquiry as to the existing area of the tank in question and existing members of the petitioner-society in question and if it is under strength, then only to give direction to consider the first come first serve basis, subject to their eligibility and other qualifying requirements as to their applications to the society.

8. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 07.02.2018

pab