

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.20006 of 2018

ORDER:

An order passed by the District Fisheries Officer, Jangoan vide letter No.391/C/2018 dated 16.4.2018, rejecting the request of the petitioner herein to register the society in the name of Edunuthala Bayyannavagu Balancing Reservoir Weaker Section Fishermen Cooperative Society, is under challenge in the present writ petition.

2. A reading of the said letter discloses that the District Fisheries Officer vide letter dated 16.4.2018 rejected the request of the petitioner herein on the ground that there is another society in the name of Edunuthal Bayyannavagu Balancing Reservoir Weaker Section Fishermen Cooperative Society with Registration No.M-343 dated 26.4.1997.

3. A counter affidavit deposed by the District Fisheries Officer, Jangoan is filed stating that Edunuthala Bayyannavagu Balancing Reservoir has been leased out to the Fishermen Cooperative Society Ltd., Kodakandla Village of Kodakandla Mandal every year as per the lease rentals fixed by the District Collector every year and nearly (318) Fishermen members of Fishermen Cooperative Society Ltd., Kodakandla are eking their livelihood by depending upon fishing activity in the said reservoir and therefore issuing licences to other than society members does not arise. It is further stated in the counter affidavit that as per the comprehensive guidelines issued in G.O.Ms.No.74, AHDD & Fisheries (F-II) Department dated 21.10.2011 and G.O.Ms.No.98 Revenue Department dated 22.1.1964, it is not possible to organise another Fishermen Cooperative Society on the name of a particular water body when all the water bodies existing in a particular village will fall under the area of operation of the existing Fishermen Cooperative Society.

4. While referring to the counter affidavit, it is submitted by the learned counsel for the petitioner that the reasons assigned in the counter affidavit for denying the request of the petitioner herein are entirely different from the reasons assigned in the impugned order dated 16.4.2018 and the said action is totally a non-application of mind.

5. Admittedly, the order of the District Fisheries Officer passed under Section 6 of the Telangana Cooperative Societies Act, 1964 is appealable under Section 76 of the said Act. In view of the said effective alternative remedy available to the petitioner herein, this Court is not inclined to entertain the present writ petition.

6. It is the submission of the learned counsel for the petitioner that in total deviation to Subsection (3) of Section 6 of the Act, the impugned order came to be passed. In the considered opinion of this Court, all these aspects can be agitated before the Tribunal. It is open for the petitioner to approach the Tribunal by way of filing appeal under Section 76 of Telangana Cooperative Societies Act, 1964 within a period of two weeks from the date of receipt of this order and on such filing, the Tribunal is directed to pass appropriate orders as expeditiously as possible.

7. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 23.7.2018
DA

THE HON'BLE SRI JUSTICE A.V.SESHA SAI



23.7.2018

DA