

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

WRIT PETITION No.25153 of 2018

ORDER:

In the present writ petition, challenge is to the alleged inaction on the part of respondents Nos.2 to 6 against respondent No.8, who according to the petitioners is a self-declared President of respondent No.7-Society. The petitioners are seeking for a direction to respondents Nos.2 and 3/Commissioner of Fisheries and the District Collector to conduct a detailed enquiry according to G.O.Ms.No.98, dated 22.11.1964 on the petitioners' representation and not to issue fishing orders to respondent No.8 in the name of respondent No.7 and to restrain respondent No.8 from catching fish in Mopadu Reservoir.

According to the petitioners, there are 193 Members in respondent No.7-Society and within its area of operation, there are 8 medium irrigation tanks and water facility is available in 3 tanks only, viz., Pamuru Cheruvu, C.S.Puram Cheruvu and Mopadu Reservoir. It is stated that majority of the Members belong to Yanadi caste, a Scheduled Tribe and the said caste is mentioned in G.O.Ms.No.98, dated 22.01.1964. The petitioners allege that respondent No.8, the self-declared President and certain others belong to other castes, not covered in G.O.Ms.No.98, dated 22.01.1964 and they illegally joined in the Society and captured the Society by depriving the original tribal fishermen and deserved members in the said Society. It is further alleged that respondent No.8 is illegally catching the fish every year by threatening the tribal fishermen/petitioners herein and not depositing the sale proceeds with respondent No.7-Society and not distributing amounts equally to all members for the last two

years. It is also stated that respondent No.8 belongs to Dudekula caste, a sub-caste in Muslim community. It is also stated in the writ affidavit that the petitioners made representation to respondent No.2/Commissioner of Fisheries on 12.05.2018 and to respondent No.3/the District Collector-cum-Chairman, District Level Committee on 22.03.2018 and to the Chief Secretary of State of Andhra Pradesh on 25.05.2018 to conduct enquiry about the eligibility of the members in the Society as per G.O.Ms.No.98, dated 22.01.1964.

The grievance of the petitioners in the above background, as submitted by the learned counsel, is that despite the above said representations, the official respondents are not taking action as per G.O.Ms.No.98, Revenue Department, dated 22.01.1964 and G.O.Ms.No.35, Animal Husbandry, Dairy Development & Fisheries (Fish-II) Department, dated 29.04.2003.

When the matter is taken up, the learned Govt.Pleader for Fisheries submitted that on the representations, referred to supra, submitted by the petitioners herein, action will be taken, strictly in accordance with law. It is also to be noted in this context that the State Government issued G.O.Ms.No.35, Animal Husbandry, Dairy Development & Fisheries (Fish-II) Department, dated 29.04.2003, constituting a District Level Vigilance Committee with four members, viz., (1) Revenue Divisional Officer as Chairman, (2) Joint Registrar/District Coop.Officer, as Member (3) District Panchayat Officer, as Member, and Asst.Director of Fisheries, as Member/Convener to weed out of bogus members from Fishermen Cooperative Societies and to avoid exploitation of the resources available for the targeted community by in-eligible persons.

The unofficial Respondent No.8 filed counter affidavit denying the allegations and averments made in the writ affidavit and justifying his position in the Society.

It is significant to note that the very eligibility of respondent No.8 and certain others as Members in respondent No.7-Society is under challenge in the present writ petition. As noted supra, the learned counsel for the petitioners contends that continuation of respondent No.8 and certain others in respondent No.7 is in contravention of G.O.Ms.No.98, dated 22.01.1964.

Having regard to the above submissions and taking into account the submissions of the learned Government Pleader, this court deems it appropriate to dispose of the writ petition with a direction to the official respondents herein to take appropriate action on the representations of the petitioners dated 22.03.2018, 12.05.2018 and 25.05.2018 in terms of G.O.Ms.No.98, Revenue Department, dated 22.01.1964 and G.O.Ms.No.35, Animal Husbandry, Dairy Development & Fisheries (Fish-II) Department, dated 29.04.2003 and pass appropriate orders thereon, as expeditiously as possible, preferably, within a period of 4 (four) weeks from the date of receipt of a copy of this order. Till the said exercise is completed, the fish in the subject tank shall not be caught.

The writ petition is accordingly disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

A.V.SESHA SAI ,J

Date: 28.09.2018
Dsr