

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.37640 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the 3rd respondent in not granting fishing rights of Pedda Cheruvu, Vemulakonda Village, Valigonda Mandal, Yadadri Bhongir District in favour of the petitioner society for the year 2018-19 as per G.O.Ms.No.776 dated 31.12.1990, as arbitrary and illegal.

When the matter is taken up for hearing, learned Government Pleader for Fisheries placed on record the written instructions received from the District Fisheries Officer, Yadadri Bhongir District stating that they have no objection for granting fishing rights provided the petitioner is ready to accept the terms and conditions.

Learned counsel for the petitioner, on perusal of the written instructions submits by the learned Government Pleader for Fisheries, accepts for the same with a partial modification to condition No.3. It would be appropriate to extract the conditions prescribed, which are as under:

1. "Fishing should be done in the presence of Fisheries Department persons.
2. Fish price to be sold is fixed in general body resolution, which is approved by 2/3rds of the members.
3. Sale proceeds obtained are distributed on the same day of the harvesting of the Fish among the FCS members.
4. Sale proceeds are done by the Managing Committee except President, as he is facing misappropriation of funds."

In so far as the Condition No.3 is concerned, learned counsel for the petitioner would submit that the sale proceeds obtained are distributed on the same day of the harvesting of the Fish among the FCS members after deducting the expenses incurred for doing the fishing. The same is not seriously disputed by the learned Government Pleader for Fisheries. But, however, states that the expenditure incurred be accounted to the satisfaction of the Secretary of the society.

Having regard to the above, the writ petition is disposed of permitting the petitioner to carry out the fishing operations subject to the conditions referred to above. However, in so far as the Condition No.3 is concerned, the sale proceeds shall be distributed among the FCS members after deducting the expenses incurred, which would be to the satisfaction of the Secretary of the society. In so far as Condition No.4 is concerned, sale proceeds shall be distributed among the members with the consent of the Managing Committee through the Secretary of the society. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

Dated:24.10.2018.
Gk

C. PRAVEEN KUMAR, J



HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

50



WRIT PETITION No.37640 OF 2018

Date:24.10.2018

Gk