

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.38155 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the 2nd respondent, in issuing the proceedings dated 12.10.2018, superseding the petitioner's society and appointing the District Fisheries Officer, Suryapet as a Special Officer, as illegal and arbitrary and consequently set aside the same.

Though various grounds are raised, learned counsel for the petitioners submits that a notice dated 24.09.2018, was issued to the petitioners giving 15 days time to submit their explanation, pursuant to which, the petitioners submitted their explanation on 10.10.2018 and the same was received by the 2nd respondent-Commissioner Fisheries. Thereafter, the impugned order came to be passed without referring to the explanation submitted by the petitioners. On the other hand, it was stated in the impugned order that no explanation was submitted by the petitioners.

On the other hand, learned Government for Fisheries, would submit that the explanation submitted by the petitioners never reached the office of the 2nd respondent-Commissioner Fisheries. He further submits that the action has been initiated against the concerned clerk, who is said to have endorsed on the explanation alleged to have been submitted by the petitioners. In view of the above, learned Government Pleader pleads that the order under challenge warrants no interference and the writ petition is liable to be dismissed.

As seen from the impugned order, the notice dated 24.9.2018, issued by the 2nd respondent-Commissioner Fisheries, came to be served on the petitioners on 27.09.2018, giving 15 days time to the petitioner to submit their explanation. The said 15 days time expired by the mid night of 12.10.2018. It appears that even before the expiry of the said period, the impugned order came to be passed by the 2nd respondent-Commissioner Fisheries i.e on 12.10.2018 itself. Apart from that, the learned counsel for the petitioners submits that though the explanation was submitted by the petitioners on 11.10.2018, itself, the impugned order came to be passed on 12.10.2018, without referring to the explanation submitted by the petitioners. However, a dispute is raised by the learned Government Pleader as to the submission of the explanation by the petitioners.

Having regard to the facts and circumstances of the case, the writ petition is allowed setting aside the order dated 12.10.2018, passed by the 2nd respondent-Commissioner Fisheries and remanded the matter back to the 2nd respondent-Commissioner Fisheries, to pass orders afresh after considering the explanation submitted by the petitioners. Further, at the request of the petitioners, the petitioners are permitted to submit additional explanation questioning the jurisdiction of the 2nd respondent-Commissioner Fisheries, within a period of one week from today, in which event, the 2nd respondent-Commissioner Fisheries shall receive the additional explanation of the petitioners and pass appropriate orders, in accordance with law, after hearing the petitioners and all concerned within a period of

one week thereafter. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

C. PRAVEEN KUMAR,J

Date:29.10.2018.
Gk



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