

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.4611 OF 2019

Date:07.03.2019

Between:

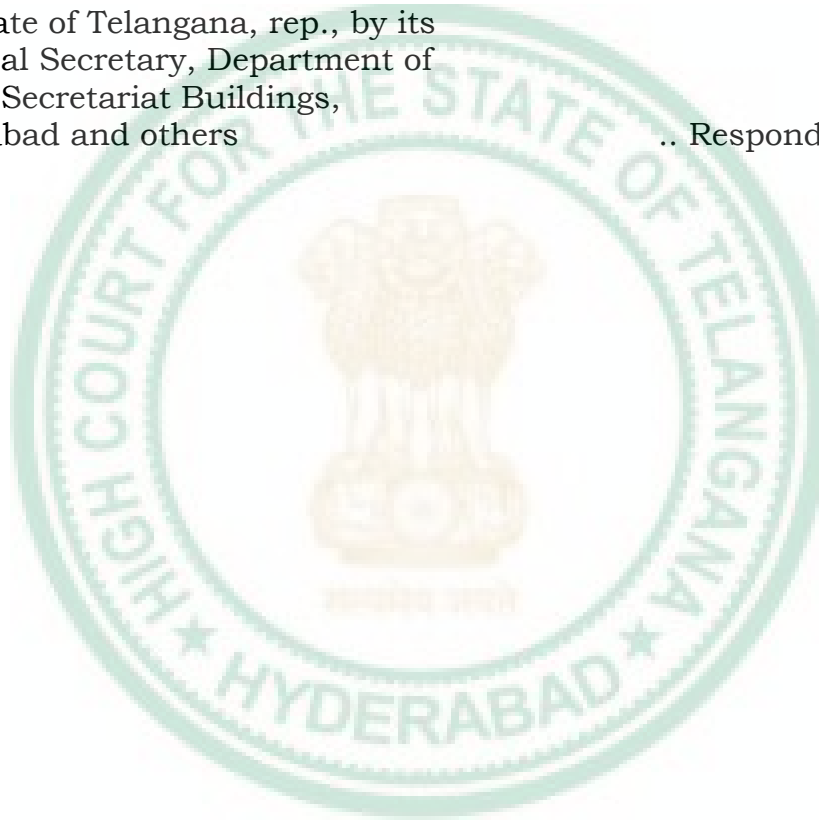
Fishermen Cooperative Society, rep., by its
Secretary Amabti Venkathasulu,
So. Saiyalu, aged about 44 years,
R/o.Vemulakonda Village, Valigonda
Mandal, Yadagiri Bhongir District

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Department of
Home, Secretariat Buildings,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.4611 OF 2019****ORDER:**

Heard learned counsel for petitioner, learned Government Pleader for Home appearing for respondents 1 to 4 and learned Government Pleader for Fisheries appearing for respondent No.5.

2. Petitioner is a Fishermen Co-operative Society. Alleging that some persons are obstructing/causing hindrance in carrying out fishing operations and the same is illegal, complaints were filed before the Police seeking protection, while petitioner's society undertakes fishing operations. Alleging that even though complaints were filed, there was no response from the police, this Writ Petition is filed. Petitioner earlier filed W.P.No.37640 of 2018 seeking to declare on the action of respondent No.3 therein i.e., District Fisheries Officer, Yadagiri Bhongir District, in not granting fishing rights of Pedda Cheruvu, Vemulakonda Village, Valigonda Mandal, Yadadri Bhongir District, for the year 2018-19, as illegal. When the matter was taken up, learned Government Pleader for Fisheries informed that respondent No.3 therein had no objection for granting fishing rights, provided the petitioner was ready to accept the terms and conditions. The terms and conditions were extracted in the said Writ Petition and thereafter, the writ petition was disposed of permitting the petitioner to carry out fishing operations, subject to the conditions referred to in the said Writ Petition. The conditions required for compliance by the petitioner - society are, fishing operations should be carried out in the presence of Fisheries Department persons, sale of fishing should be as per the resolution passed by the General Body, sale proceeds

obtained should be distributed on the same day to the members of the society and sale proceeds should be carried out by the Managing Committee other than the President, as he is facing misappropriation of funds. However, it is not known, whether the fishing operations are done in the presence of the Fisheries Department person and such sale proceeds carried out by the Managing Committee are distributed to the members on the same day. Unless these parameters are satisfied, it cannot be said that some person is illegally interfering requiring police protection. No material is placed on record to show that appropriate complaint is generated to a District Fisheries Officer and Panchayat Secretary of the Gram Panchayat on the alleged illegal activities of the members in not allowing the fishing operations. Therefore, in the light of the facts, as noted above, no direction as sought for by the petitioner can be granted.

3. The Writ Petition is accordingly dismissed. However, this order does not come in the way of the petitioner - society in filing an application before the Panchayat Secretary or the District Fisheries Officer ventilating its grievance. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:07.03.2019

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