

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10566 OF 2019

DATED :03.06.2019

Between :

Sri Talla Shankaraiah S/o.T.Rajamallu,
Aged about 47 yrs, Occu : Fisherman,
R/o.Narsimhapuram Colony,
Penchikalpet (Rural) Village,
Kamanpur Mandal,
Peddapalli District (Erstwhile Karimnagar District) & others
.. Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary to the Fisheries Dept.,
Secretariat Building, Hyderabad & others.
.. Respondents

This court made the following :

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ORDER :

Petitioners claim that they are the natives of Maredupaka Village, Ramagundam of erstwhile Karimnagar District. This village was acquired by the Singareni Collieries Company Limited for Open Caste Project OCP-3 Operations. Petitioners claim that they were all provided rehabilitation at Narsimhapuram colony, Penchikalpet Village, Kamanpur Mandal, Peddapalli District vide proceedings dated 28.06.1993. Consequently, petitioners have been residing in the said colony by constructing houses. Petitioners claim that before acquisition of the said village, they were carrying on fishing operations in Rayakunta Lake in Maredupaka village and even after acquisition they continued to carry out fishing rights. This writ petition is filed contending that not allowing to carry on fishing rights in the said lake by Singareni Collieries Company, is illegal. Petitioners claim that they have submitted representations to grant permission to carry on fishing operations. Alleging inaction on the representations made, this writ petition is filed.

2. In this writ petition, petitioners pray to declare the action of Singareni Collieries Company not permitting them to carry on fishing operations in Rayakunta Lake and Summer storage tank existing in Sy.Nos.22, 23 and 81 of Penchikalpet Village Shivar, Kamanpur Mandal, Peddapalli District acquired by Singareni

Collieries Company Limited and seeks direction to dispose of the representations.

3. Heard learned counsel for the petitioners and learned Government pleader for Fisheries.

4. Learned counsel for the petitioners sought to contend that earlier petitioners were carrying on fishing operations and in the present season and with fond hope of carrying on fishing operations, they have made efforts for fish to grow. They cannot be deprived of the benefits of fish nurtured by them.

5. According to learned Government Pleader, Penchikalpet Gram Panchayat has three Kuntas and fishing rights are granted to the Fishermen Co-operative Society, Penchikalpet. As Maredupaka Village was acquired by Singareni Collieries Company Limited and as the concerned tank is now within the control of Singareni Collieries Company Limited, the Department of Fisheries is not competent to grant permission to carry on fishing operations.

6. It is not in dispute that the entire village including the village tank was acquired by the Singareni Collieries Company Limited. On such acquisition, the said tank has now become a private tank. Petitioners cannot claim as a matter of right to carry on fishing rights on their own in a private tank or summer storage tank constructed by SCCL. As owner of the property, it is for the Singareni Collieries Company Limited to deal with the village tank and summer storage tank.

7. As no right is vested in the petitioners to carry on fishing operations as a matter of course in a private tank, the prayer sought in the writ petition cannot be granted. Since it is always open to the owner of the concerned tank to deal with the fishing operations, no mandamus can be issued to the respondent-Company to allow the petitioners to carry on fishing operations as a matter of course. Writ petition merits no consideration.

8. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

3rd June, 2019
Rds

P.NAVEEN RAO,J

