

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18228 OF 2019

Date:23.08.2019

Between:

Varala Siddiramulu, S/o. Srisailam,
Aged 46 years, R/o. Narsingi Village
and Mandal, Medak District and others .. Petitioners

And

State of Telangana, rep., by its Principal
Secretary, Department of Animal
Husbandry and Fisheries, Secretariat,
Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.18228 OF 2019****ORDER:**

Heard learned counsel for the petitioners, learned Government Pleader for Fisheries.

2. Petitioners claim that they are fishermen by caste and profession and solely dependent on fishing to eke out their livelihood. They were subjected to skill test to undertake fishing operations and having cleared the skill test, their names were recommended for enrolment as Members of Fishermen Cooperative Society, Narsingi. Proceedings/order to this extent was issued by the District Fisheries Officer, Medak District, the 3rd respondent, on 22.06.2017 requesting the society to admit the petitioners as members. Alleging that no action is taken pursuant to the said proceedings, this Writ Petition is filed.

3. The proceedings of the District Fisheries Officer would show that on application submitted by the petitioners for enrolment as members with respondent No.4 – society, they were subjected to skill test and having satisfied with the performance, he recommended enrolment of the petitioners as members of the society.

4. According to learned counsel for the petitioners, the District Fisheries Officer ought to have invoked power vested in him under G.O.Ms.No.74, dated 21.10.2011, to compel respondent No.4 – society to enroll the petitioners as members, whereas he failed to

enforce the said obligation on the society and thereby failed in discharging his duties.

5. The Government issued orders in G.O.Ms.No.74, Animal Husbandry, Dairy Development & Fisheries (F.II) Department, dated 21.10.2011, stipulating detailed procedure to conduct skill test for identification of persons eligible to carry out fishing operations and admission of such persons as members of Fishermen Society etc. Clause (I) thereof deals with weeding out of ineligible/deceased members. Under this heading, the District Fisheries Officer is vested power to test the skill of a person who makes an application and on clearing skill test, to direct the society to enroll him as member. He is competent to require the Society to first enroll such person as member before conferring fishing rights for the next Fasli year if such application was made before 31st December. It further mandates that if a society refuses to weed out ineligible persons and admit eligible fishermen as members, fishing rights of that society should be denied for the next Fasli year or till eligible persons are made as members. The Government further ordered for incorporation of byelaws in all societies regarding membership eligibility of a society.

6. It appears from the material on record that in compliance with the scheme formulated by the Government in G.O.Ms.No.74, dated 21.10.2011, petitioners submitted application and considering their eligibility, the District Fisheries Officer recommended their enrolment as members of respondent No.4 – society. Such recommendation made in the year 2017 remained un-enforced till date.

7. Having regard to the issue involved in this case, the Writ Petition is disposed of directing the District Fisheries Officer, Madak District, the 3rd respondent, to examine the reasons why respondent No.4 – society has not enrolled the petitioners as members in spite of his directions and seek enforcement of the mandate of G.O.Ms.No.74, dated 21.10.2011, if the proceedings issued by him are not superseded and no justification is made out by respondent No.4 – society in not enrolling the petitioners as members though they are otherwise eligible. Such measures shall be taken within four weeks from the date of receipt of a copy of this order. It is needless to observe that there is no expression of opinion on the merits of the case and if respondent No.4 – society has any valid claim against enrolment of petitioners, it is open to them to put-forth their point of view to the District Fisheries Officer and it is also open to respondent No.4 to work out its remedies as available in law against the recommendation made by the District Fisheries Officer in his proceedings dated 22.06.2017. Pending miscellaneous petitions shall stand closed.

P. NAVEEN RAO, J

Date:23.08.2019

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