

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23060 of 2019

ORDER :

This Writ Petition is filed seeking a direction to the 3rd respondent - District Fisheries Officer to invoke the powers conferred under Section 16(5) of the A.P. Cooperative Societies Act, 1964.

The petitioner along with other fishermen of Obulapur Village, Mallapur Mandal claim to have been eking out their livelihood by catching fish. According to him, there are three ponds in Obulapur village: 1) Pothaveni Pond (Sy. No. 57) Acreage of water is 13.23; 2) New Pond (Sy.No. 114) Acreage of water is 27.2632.27; and 3) old pond (Sy.No. 132) Acreage of water is 32.27, but however, there is no Fisheries Cooperative Society in the said village and Fisheries Co-operative Society of Vempet Village used to catch fish from the said ponds. The petitioner along with other members had therefore, made the representation dated 01.06.2019 to the 2nd respondent - Commissioner of Fisheries to establish Fisheries Cooperative Society in Obulapur Village. It is his submission that on 12.06.2019, the gram panchayat of Obulapur also resolved that they have no objection for establishment of a society. Thereafter, though the 3rd respondent sent letters dated 26.06.2019 and 18.07.2019 to the 4th respondent Society to conduct a meeting and pass a resolution of General Body by separating Obulapur Village from the 4th respondent Society, no action has been taken yet.

Heard learned counsel for the petitioner.

Learned Government Pleader for Fisheries placed before this Court the written instructions received from the 3rd respondent, wherein it is stated that pursuant to the representation of the petitioner, notice has been issued to the President of the Fishermen Co-operative Society, Vempet calling for their explanation, but the latter had not responded.

In view of the above instructions and also in view of the limited prayer of the petitioner seeking a direction to the 3rd respondent to invoke the powers conferred under Section 16(5) of the Act, it would be appropriate to direct the 3rd respondent to consider the representation of the petitioner and act thereon in accordance with law. Here, it is apt to note that in the judgment dated 27.06.2018 in Writ Petition No. 18490 of 2018, this Court opined that the District Fisheries Officer is the Competent Authority who, *vide* G.O.Rt.No. 16, dated 09.01.2017, was delegated all the powers of Registrar except the one under Sections 17, 18, 22, 32(7), 34, 47(2), 50, 64(1), 68, 69, 76, 77, 78, 84 to 115 and 116, and held that that the District Fisheries Officer alone is competent to take action under Section 34-A of the Telangana Cooperative Societies Act, 1964 and hence, directed the 4th respondent therein to take action on the requisition submitted by the petitioner in accordance with law.

In view of the powers delegated to the District Fisheries Officer, the Writ Petition is disposed of directing the 3rd respondent - District Fisheries Officer to consider and pass appropriate orders on the representation of the petitioner dated 01.06.2019 in accordance with law within eight weeks from the date of receipt of a copy of this order.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

24th October 2019

kdl

