THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23096 of 2019

O R D E R :

This Writ Petition is filed seeking a *mandamus* to declare the action of the 4th respondent – society in not distributing the income derived from fishing operations in the tanks of the society from 2015-16 till now, as bad and arbitrary.

Learned Government Pleader for Fisheries has placed on record the written instructions dated 31.10.2019 submitted by the District Fisheries Officer, Mancherial stating that the elections are yet to be conducted for the Society and as of now, the Society is under the control of person-in-charge, that the amount has not been distributed and the local M.L.A. also instructed not to distribute the amount because election process is in progress and it influences the members for voting.

Heard learned counsel for the petitioner and learned Government Pleader for Fisheries.

From the written instructions, it is clear that there is no dispute to the amounts generated through fishing operations from 2015-16 onwards. Though the learned counsel Sri Durga Prasad, who appeared on behalf of some of the persons, who are proposing to implead, submits that his clients are being discriminated and that they are also entitled to receive the amount from the society under the control of the person-in-charge, there being no dispute that the amount deposited is primarily generated through fishing operations and there being also no dispute that the fishermen, who have involved in fishing operations, are entitled to receive the monies, the 4th respondent society shall disburse the amount as

per their entitlement and as per the records. Wherever there is a dispute with respect to the individuals, the said amount shall be kept aside and the reasons for withholding the monies to the respective individuals shall be communicated, in writing, specifically setting out how and in what manner they are not entitled so as to enable the said individuals to exercise their right. Before rejecting their respective claims, the person-in-charge shall issue notice to such individuals calling for their explanation and consider the explanation and pass necessary orders. With respect to the individuals whose claims are being rejected, the proportionate amount shall be kept in reserve as their cases are pending before the Court. The entire exercise shall be completed within four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of. No costs.

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

CHALLA KODANDA RAM, J

12th November 2019

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