

THE HON'BLE SRI JUSTICE A. RAJASHEKAR REDDY

W.P.NO.26611 OF 2019

O R D E R

Petitioner claims to have entered into an agreement with the 5th respondent – Medaram Fishermen Co-operative Society, on 19.09.2014 and paid certain amounts to the president of the society for fishing rights in the lake situated at Chetlachennaram village, Kanagal Mandal, Nalgonda District. From the averments made in the writ affidavit, it could be further seen that disputes arose between the petitioner and the president of the 5th respondent – Society, with regard to payment of money, and the petitioner filed cases against the president of the Society. Subsequently, petitioner filed representations, before the District Collector alleging that 5th respondent is carrying on fishing activities with the third parties, without any valid lease. As no action has been taken on his representation, filed the present writ petition, seeking for a direction to the official respondents 1 to 4, to conduct enquiry into the affairs of the Society, in pursuance of his representations.

Learned Government Pleader for Fisheries produced written instructions of District Fisheries Officer, Nalgonda, stating that it is a dispute between the petitioner and the 5th respondent – Society and that the Fisheries Department is in no way concerned with the said dispute, and that no fishing rights are granted to the 5th respondent, and to settle his disputes with the 5th respondent, petitioner filed the present writ petition and the same is not maintainable.

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

From the averments made in the writ affidavit, it could be seen that there is a dispute between the petitioner and the 5th respondent – Society in pursuance of the agreement entered into between the parties. As disputes arose, petitioner filed cases and the same are stated to be pending adjudication. Subsequently, he filed representations making certain allegations against the Society, and sought the respondent to enquire into the affairs of the Society. Complaining inaction on the part of respondents in considering his representation, filed the present writ petition. Admittedly, petitioner is not a member of the Society, and hence has no *locus standi* to file the present writ petition seeking for a direction to the respondent to enquire into the affairs of the society. As per the written instructions, no fishing rights have been granted to the 5th respondent – Society, and in such an event, question of enquiring into the affairs of the Society in respect of such fishing rights, may not arise. It could be further seen that to settle his scores with the 5th respondent, petitioner resorted to writ remedy, by camouflaging his private dispute as that of inaction on the part of the respondent in considering his representation. The attempt on the part of the petitioner in seeking to enforce the agreement between the parties by invoking the jurisdiction of this court under Article 226 of the Constitution of India, is nothing but an abuse of process of law, and hence cannot be appreciated. If the petitioner has any dispute with the president of the 5th respondent – Society, it is always open to him to invoke the private law remedy, but certainly cannot seek to resolve such dispute under the writ jurisdiction, where the disputed questions of fact, cannot normally be delved into.

The writ petition is misconceived and is accordingly dismissed at the stage of admission.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:09—12—2019

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