

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.1509 of 2019

ORDER:

This Contempt Case is filed alleging non-compliance of the orders dated 27.09.2019 passed by this Court in W.P.No.21380 of 2019.

2. Heard learned counsel for the petitioner, and the learned Government Pleader for Fisheries, Animal Husbandry and Dairy Development.

3. This Court, by order dated 27.09.2019, disposed of the writ petition as under:

“Having regard to the nature of relief which the petitioner seeks, this Court cannot take a decision whether the petitioner had incurred loss or whether it has any right to catch the fish beyond the lease period. Therefore, the petitioner is permitted to submit an application to the Competent Authority by setting out justifiable reasons for allowing it to harvest the fish beyond the lease period, within a period of ten days from today. Thereupon, the Competent Authority shall consider the same and pass appropriate orders in accordance with law and communicate the same to the petitioner, within a period of ten days thereafter.”

4. There is no dispute that considering the nature of relief sought in the writ petition, the writ petition was disposed of with the observation that it would be open for the petitioner Society to make a representation which shall be considered by the respondent. In fact, this Court has neither decided the fishing rights in favour of the petitioner nor rejected the claim of the petitioner.

5. It is to be noted that pursuant to the order dated 27.09.2019 passed in the writ petition, the petitioner made a representation dated 11.10.2019 to the Assistant Director, Fishermen Cooperative Society, Arsapally, Nizamabad. Thereafter, Fisheries Development Officer addressed a letter No.370/FDO/FDO/Nzb/2019 dated 15.10.2019, to the District Fisheries Officer, Nizamabad, by enclosing the representation dated 11.10.2019 of the petitioner,

and stating that the lease period for fishing rights in Kadicheruvu of Abongapatnam for 2018-19 ended on 30.06.2019, and therefore requested to issue necessary directions for taking further steps in the matter.

6. The District Fisheries Officer, vide letter No.475/D/2019 dated 20.10.2019 addressed to the President/Secretary, Primary Fishermen Cooperative Society, Abongapatnam, intimating as under:

“As per the G.O.Ms.No.41, AHDD&F (Fish-II) dtd.24.10.2014, under the control tanks of Fisheries Department, the lease of tanks are not increased for 2014-15 to 2018-19 (5 years) and lease of fishing rights are issued to Fishermen Co-operative Societies and the lease period ended upto 30.06.2019.

The government is not issued the orders on lease of tanks for the year 2019-2020. After getting the clear Government orders the lease of Kadicheru of Abongapatnam is collected and issued the lease of fishing rights.”

7. Therefore, it is clear from the letter dated 20.10.2019 of the District Fisheries Officer that the Government has not issued any orders with respect to the year 2019-2020, and as soon as the Government issues the orders, necessary action would be taken.

8. In the light of the above, it cannot be said that there is non-compliance of the order dated 27.09.2019 passed in W.P.No.21380 of 2019. If the petitioner is aggrieved with the intimation dated 20.10.2019 or if the petitioner has any rights, it is always open to the petitioner to take necessary steps in accordance with law.

9. Accordingly, the contempt case is closed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

06th February, 2020
KSM

CHALLA KODANDA RAM, J

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