

1
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION NO: 1662 OF 2021

Between:

Gram Panchayat Kammaripeta Thanda, Kammaripeta Thanda Village, Konaraopet Mandal, Rajanna Siricilla District, Rep by its Sarpanch Maloth Surya, S/o. Pakira, Aged about 46 years, R/o. Kammaripeta Village, Konaraopet Mandal, Rajanna Siricilla District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Panchayat Raj and Rural Development Department, Secretariat, BRKR Bhavan, Saifabad, Hyderabad
2. The Commissioner, of Panchayat Raj and Rural Employment Urdu Hall Lane, Himayath Nagar, Hyderabad
3. The District Collector, Rajanna Siricilla District
4. The Additional Collector, Local body, Rajanna Siricilla District
5. The District Panchayat Officer, Rajanna Siricilla District
6. The District Fisheries Officer, Rajanna Siricilla District
7. The Fisheries Development Officer, Rajanna Siricilla District
8. Vattimalla Fishermen Cooperative Society, Regd No. K-520/2015 J, Vattimalla Gram Panchayat, Konaraopet Mandal Rajanna Siricilla District Rep by its President, D. Shankar, S/o Silvaiah, Aged about 40 years, R/o. Vattimalla Village, Konaraopet Mandal, Rajanna Siricilla District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in issuing the impugned Memo No.CPRRE/D1/GPAD/63/2020-D-SECTION dated 31/08/2020 particularly to the extent "they are directed to see that the Gram Panchayat shall lease out the fishing rights in minor irrigation tanks and other tanks vested with it without public auction to the Fishermen Cooperative Society of the local area which includes the area of existing and new Gram Panchayats" in the 5th Para of circular and consequential letter vide Lr.No.96/C/2020 dated 14/10/2020 conferring rights to the 8th respondent over the subject tank, which is contrary to the Rule 3 in G.O.Ms.No.343 dated 10/04/1978 and Rule 2 of G.O.Rt.No.546 dated 25/03/1999 and also depriving of rights of villagers in enjoying the natural resources under the village limits is illegal, arbitrary and violation of Articles 14 and 21 of Constitution of India and also against the principles of natural justice and consequently set aside the same.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the impugned Memo No.CPRRE /D1/GPAD/63/2020-D-SECTION dated 31/08/2020 particularly to the extent "they are directed to see that the Gram

Panchayat shall lease out the fishing rights in minor irrigation tanks and other tanks vested with it without public auction to the Fishermen Cooperative Society of the local area which includes the area of existing and new Gram Panchayats" in the 5th Para of circular and consequential letter vide Lr. No.96/C/2020 dated 14/10/2020 conferring rights to the 8th respondent over the subject tank of Rangineni Cheruvu, further direct the respondents to not to interfere in any manner into the Rangineni Cheruvu of Petitioner Gram Panchayat, pending disposal of the Writ Petition.

IA NO: 2 OF 2021

Between:

1. The State of Telangana, Rep. by its Principal Secretary, Panchayat Raj and Rural Development Department, Secretariat, BRKR Bhavan, Saifabad, Hyderabad
2. The Commissioner, of Panchayat Raj and Rural Employment Urdu Hall Lane, Himayath Nagar, Hyderabad
3. The District Collector, Rajanna Sircilla District
4. The Additional Collector, Local body, Rajanna Sircilla District
5. The District Panchayat Officer, Rajanna Sircilla District
6. The District Fisheries Officer, Rajanna Sircilla District
7. The Fisheries Development Officer, Rajanna Sircilla District
8. Vattimalla Fishermen Cooperative Society, Regd No. K-520/2015 J, Vattimalla Gram Panchayat, Konaraopet Mandal Rajanna Sircilla District Rep by its President, D. Shankar, S/o Sivaiah, Aged about 40 years, R/o. Vattimalla Village, Konaraopet Mandal, Rajanna Sircilla District

...Petitioners/Respondents

AND

Gram Panchayat Kammaripeta Thanda, Kammaripeta Thanda Village, Konaraopet Mandal, Rajanna Sircilla District, Rep by its Sarpanch Maloth Surya, S/o. Pakira, Aged about 46 years, R/o. Kammaripeta Village, Konaraopet Mandal, Rajanna Sircilla District.

...Respondent/Petitioner

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim stay orders granted in I.A.No.1 of 2021 in W.P.No.1662 of 2021 Dt 28/01/2021 and dismiss the Writ Petition.

IA NO: 3 OF 2021

Between:

Vattimalla Fishermen Cooperative Society, Regd No. K-520/2015 J, Vattimalla Gram Panchayat, Konaraopet Mandal Rajanna Sircilla District Rep by its President, D. Shankar, S/o Sivaiah, Aged about 40 years, R/o. Vattimalla Village, Konaraopet Mandal, Rajanna Sircilla District

...Respondent/Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Animal Husbandry Department, Secretariat, Saifabad, Hyderabad
2. The Commissioner, Fisheries, Department Building Matsya Bhavan Shanti Ngar 4th Line Masab Tank Hyderabad Telangana
3. The District Collector, Rajanna Sircilla District
4. The Additional Collector, Local body, Rajanna Sircilla District
5. The District Panchayat Officer, Rajanna Sircilla District
6. The District Fisheries Officer, Rajanna Sircilla District
7. The Fisheries Development Officer, Rajanna Sircilla District
8. Gram Panchayat Kammaripeta Thanda, Kammaripeta Thanda Village, Konaraopet Mandal, Rajanna Sircilla District, Rep by its Sarpanch Maloth Surya,

S/o. Pakira, Aged about 46 years, R/o. Kammaripeta Village, Konaraopet Mandal, Rajanna Sircilla District.

...Petitioner/Respondent

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate interim directions Dated 28.01.2021 in WP No.1662/2021, in the interest of justice, failing which the petitioners will be put to irreparable loss and injury.

**Counsel for the Petitioner: SRI. G. NARENDER REDDY
(SC FORTG ZPP MPP GPPS)**

**Counsel for the Respondent Nos.1 to 5:
GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT**

Counsel for the Respondent Nos.6 & 7: GP FOR FISHERIES

Counsel for the Respondent No.8: SRI KUDUMULA SRINIVAS

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.1662 of 2021

ORDER:

Heard learned counsel for the petitioners and learned Government Pleaders.

2. It is submitted by both the parties that in view of the decision taken by the Government by way of G.O.Rt.No.268, dated 23.07.2021, nothing survives for adjudication in the writ petition.

3. In view of the above submission, no further orders are needed to be passed in this writ petition and this writ petition stands disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed

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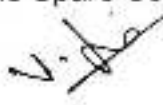
**SD/-K.SAILESHI
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. One CC to Sri G. Narender Reddy, SC for Gram Panchayat [OPUC]
2. Two CCs to GP for Panchayat Raj & Rural Development, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CCs to GP for Fisheries, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri Kudumula Srinivas, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

CHR



HIGH COURT

DATED:28/07/2021

ORDER

W.P.No.1662 of 2021



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑨ VLV
5/8/21