

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE UJJAL BHUYAN
AND
THE HONOURABLE SRI JUSTICE N.TUKARAMJI**

WRIT APPEAL NO: 840 OF 2022

Writ Appeal under clause 15 of the Letters Patent against the preferred order dated 14/11/2022 In W P No 40954 of 2022 on the file of the High Court.

Between:

Potharam Fishermen Co-op Society, Potharam Village, Kodimyal Mandal,
Jagityal District. rep. by its President Mr Rajesham

...APPELLANT

AND

1. Mudiraj Sankshama Sangam, rep, by its Member P. Venkanna S/o Rajaiah, aged About 45 years, Sandrapalli village, Kodimyala Mandal, Jagityal District.
2. The State of Telangana, rep. by its Principal Secretary, Fisheries Department, Secretariat, Hyderabad.
3. The Commissioner, Fisheries and Animal Husbandry, Urdu Hall Lane Himayathnagar, Hyderabad.
4. The District Fisheries Officer, Jagityal District.

...RESPONDENTS

IA NO: 2 OF 2022

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 order dated 14-11-2022 in W.P.No. 40954 of 2022 passed by the learned single judge of this Honble Court, pending disposal of the main Writ Appeal.

Counsel for the Appellant: SRI PONNAM ASHOK GOUD

Counsel for the Respondent No.1: M/s. P. VIJAYA LAXMI

Counsel for the Respondent No. 2 to 4: M/s. D. PALLAVI, GP FOR FISHERIES

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN

AND

THE HON'BLE SRI JUSTICE N. TUKARAMJI

WRIT APPEAL No.840 of 2022

JUDGMENT: *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

Heard Mr. Ponnamm Ashok Goud, learned counsel for the appellant; Ms. P.Vijaya Laxmi, learned counsel for respondent No.1/writ petitioner; and Ms. D.Pallavi, learned Government Pleader for Fisheries appearing for respondents No.2 to 4.

2. This intra-court appeal has been preferred by the appellant society against the order dated 14.11.2022 passed by the learned Single Judge disposing of W.P.No.40954 of 2022 filed by respondent No.1 as the writ petitioner.

3. Respondent No.1 had filed the related writ petition seeking a direction to the District Fisheries Officer, Jagtial District, to conduct skill test to the members of respondent

No.1 for admission into appellant society along with members of the appellant society.

4. We may mention that earlier appellant society had approached this Court by filing W.P.No.38560 of 2022 seeking a direction to the District Fisheries Officer for conducting skill test to admit 123 new members into the appellant society in accordance with the Telangana Cooperative Societies Act, 1964, and the bylaws of the society. This Court by order dated 17.10.2022 noticed that appellant society had already admitted 123 members and had requested for skill test. In view of the submission that notice for skill test was not received by the appellant society or its members, a direction was issued to District Fisheries Officer to issue fresh notice to the appellant society and its members in respect of whom the skill test had to be conducted by specifying the date and time of the skill test and to conduct the test afresh.

5. It was thereafter that the related writ petition came to be filed by respondent No.1. It was contended before the

learned Single Judge that respondent No.1 comprises of 70 odd members, all natives of Sandralapally Village. Because of development of the Potharam tank and increase in the extent of the tank, feasibility of fishing operation has also increased. Respondent No.1 had submitted representation before the District Collector to admit them as members of the appellant society. Though District Fisheries Officer had issued letter to the appellant society to conduct a meeting and to pass resolution for holding skill test to enable the members of respondent No.1 to participate in the skill test, the skill test could not be conducted. It was noted that in W.P.No.38560 of 2022 a direction was issued for holding skill test for members of appellant society. Learned Government Pleader for Fisheries had informed that though skill test was proposed to be held on 28.06.2022, because of non-attendance, the same was not conducted. It was thereafter pointed out that the skill test would be conducted in accordance with the directions of this Court in W.P.No.38560 of 2022. In the facts and circumstances of the case, learned Single Judge directed

the District Fisheries Officer to consider and issue a notice to members of respondent No.1 as well for attending the skill test which was proposed to be held consequent upon earlier order of this Court dated 17.10.2022, further directing that depending upon outcome of the skill test to consider the applications of the members of respondent No.1 along with 123 aspirants seeking membership of appellant society.

6. Learned counsel for the appellant has raised a grievance that appellant society which was arrayed as respondent No.4 in the writ proceedings ought to have been heard before the aforesaid direction was issued.

7. Learned Government Pleader for Fisheries has placed before us a copy of the proceedings dated 15.02.2023 of the District Fisheries Officer as per which the skill test committee proposed 123 qualified members into the appellant society. Commissioner of Fisheries had also permitted enrolment of 123 skill test qualified members as members of the appellant society.

8. There is nothing on record to show that members of respondent No.1 have qualified in the skill test. In fact, grievance of the appellant society is that without approaching the appellant society and bypassing the appellant society, respondent No.1 had approached the District Collector for enrolment as members of the appellant society.

9. If this is the position, we are of the view that the appellant society, which was arrayed as respondent No.4 in the writ proceedings, ought to have been heard by the learned Single Judge before disposing of the writ petition filed by respondent No.1 with a positive direction.

10. We, therefore, set aside the order dated 14.11.2022 and remand W.P.No.40954 of 2022 to the learned Single Judge having roster for a fresh decision in accordance with law after giving due opportunity of hearing to all the contesting parties.

11. Writ appeal is accordingly allowed.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

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SD/-K.SRINIVASA RAO
JOINT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Fisheries Department, The State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, Fisheries and Animal Husbandry, Urdu Hall Lane Himayathnagar, Hyderabad.
3. The District Fisheries Officer, Jagityal District.
4. One CC to SRI PONNAM ASHOK GOUD, Advocate [OPUC]
5. One CC to SRI P. VIJAYA LAXMI, Advocate [OPUC]
6. Two CCs to GP FOR FISHERIES, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

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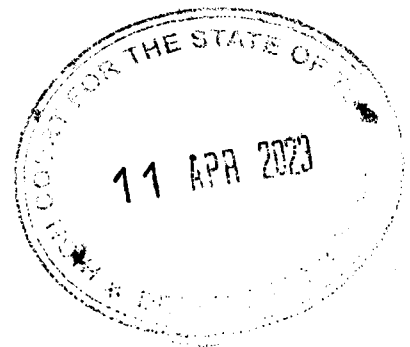
BSR

HIGH COURT

DATED:23/02/2023

ORDER

WA.No.840 of 2022



**ALLOWING THE WRIT APPEAL
WITHOUT COSTS**

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24/03/23
BSR