

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

TUESDAY, THE EIGHTEENTH DAY OF MARCH  
TWO THOUSAND AND EIGHT  
PRESENT

**THE HON'BLE THE CHIEF JUSTICE**  
**And**  
**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT APPEAL NO : 289 of 2008**

**And**

**WRIT PETITION NO.1475 OF 2008**

**Writ Appeal No.289 of 2008**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 31/01/2008 in WP NO : 1475 OF 2008 on the file of the High Court.)

Between:

Gram Panchayat,Gundugolanukunta, Dwaraka Tirumala Mandal,West  
Godavari Dist., Rep by its President Sri Veeranki Venkanna Babu,  
S/o.Laxminarayana, aged about 30 years, Occ: Agriculture,  
R/o.Gundugolanukunta, Dwaraka Tirumala Mandal,West Godavari Dist.

**..... APPELLANT**

AND

- 1 The District Panchayat Officer,(DPO), West Godavari District. Eluru,
- 2 The Mandal Parishad Development Officer, Dwaraka Tirumala,West  
Godavari District.
- 3 The Extension Officer,Panchayat Raj & Rural Development, Dwaraka  
Tirumala,West Godavari District.

**.....RESPONDENTS**

**Counsel for the Appellant: MR. A RAMALINGESWARA RAO FOR  
MR.S.APPADHARA REDDY**

**Counsel for the Respondent No.1: GP FOR PANCHAYAT RAJ & RURAL  
DEV.**

**Writ Petition No. 1475 of 2008**

Between:

Gram Panchayat, Gundugolanukunta, Dwaraka Tirumala Mandal, West  
Godavari District, Rep. by its President Sri Veeranki Venkanna Babu, S/o.

Laxminarayana, Aged about 30 Years, Occ: Agriculture,  
R/o.Gundugolanukunta, Dwaraka Tirumala Mandal, West Godavari District.

**..... PETITIONER**

AND

- 1 The District Panchayat Officer, (DPO), West Godavari District, Eluru.
- 2 The Mandal Parishad Development Officer, Dwaraka Tirumala,  
West Godavari District.
- 3 The Executive Officer, Panchayat Raj & Rural Development,  
Dwaraka Tirumala, West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd Respondents in not conducting the auction as per the proceedings of the 1st respondent in Rc.No. 2/2007/A1 dated 5-1-2007 as illegal, arbitrary, violative and against the principles of natural justice and consequently direct the respondents to conduct the auction to the fishing rights in the tanks and yield of coconut trees in the Gram Panchayat area of Gundugolanukunta and pass such other order or orders as this Court deems fit and proper.

**Counsel for the Petitioner: MR. A. RAMALINGESWARA RAO FOR MR.S.APPADHARA REDDY**

**Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.**

**The Court made the following:**

**JUDGMENT: (per Shri Anil R. Dave, Chief Justice)**

Being aggrieved by an interim order passed by the learned Single Judge in WPMP No.1764 of 2008 in Writ Petition No.1475 of 2008 dated 31.01.2008, this appeal has been filed.

The appellant – original petitioner has been aggrieved by the impugned order for the reason that it has been restrained from conducting auction insofar as fishing rights in Ooracheru tank are concerned.

Upon hearing the learned advocates and looking to the facts of the case, in our opinion, it would be just and proper if the appellant Panchayat is permitted to conduct auction with regard to the fishing rights in Ooracheru water tank by imposing conditions in such a manner so as to see that the successful bidder is restrained from polluting the water of the tank. The appellant shall approach the concerned Divisional Panchayat Officer so as to determine the upset price as per the rules laid down in G.O.Ms.No.343 dated 10.04.1978 and/or any other relevant rules/policy.

In view of the above direction, the order passed by the learned Single Judge is quashed and set aside and the appeal is allowed with no order as to costs.

In the light of the directions given by this Court supra, learned advocate Shri A. Ramalingeswara Rao appearing for the appellant – original petitioner does not want to press the writ petition. Therefore, Writ Petition No.1475 of 2008 is also disposed of as not pressed.

**ANIL R. DAVE, CJ**

March 18, 2008

**R. SUBHASH REDDY, J**

SVS