

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

MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 37806 OF 2015

Between:

Fishermen Co-operative Society, Nanaknagar Rep. by its President Sri Eddla Yadaiah, S/o. Anjaiah, aged about 52 years, Nanaknagar village, Yacharam Mandal, Ranga Reddy District

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Animal Husbandry, Dairy Development and Fisheries Department, Secretariat Buildings, Hyderabad
2. The District Collector, Ranga Reddy, Ranga Reddy District
3. The Assistant Director of Fisheries, Masab Tank, Ranga Reddy District
4. The Tahsildar, Nanaknagar village, Yacharam Mandal, Ranga Reddy, Ranga Reddy District
5. Fishermen Co-Operative Society, Tadiparthri, rep. by its President Sri P. Sreehari R/o. Tadiparthri Village, Yacharam (M), Ranga Reddy District.
6. The Gram Panchayat, Nanaknagar, rep. by its Sarpanch, Nanaknagar village, Yacharam (M), Ranga Reddy 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 not initiating action for deletion of Talab Cheruvu as shown in sy. No. 88 of Tadiparthri (v) area of operation of society which is virtually in the area of operation of Petitioners FCS, Nanaknagar in sy.no. 173 as bad, arbitrary, contrary to all cannons of law apart from contrary to sethwari records and also offends under Articles. 14, 19 and 21 of the Constitution of India.

I.A. NO: 1 OF 2015(WPMP. NO: 48633 OF 2015)

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 direct the respondents to allow to continue the petitioner society as lessee of the Talab Cheruvu, Nanaknagar for the year 2015-16 as per G.O.Ms.No. 343 (PR) dated 10.04.1978.

Counsel for the Petitioner: M/s M.VIDYAVATHI

Counsel for the Respondent Nos.1 TO 3: GP FOR FISHERIES

Counsel for the Respondent No.4: GP FOR REVENUE

Counsel for the Respondent No.5: SRI G.V.SHIVAJI

**Counsel for the Respondent No.6: SRI G.NARENDER REDDY, SC FOR GRAM
PANCHAYATH**

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.37806 of 2015

ORDER:

This Writ Petition has been filed to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not initiating action for deletion of Talab Cheruvu as shown in Sy.No.88 of Tadiparthri village area of operation of society which is virtually in the area of operation of Petitioner's FCS, Nanaknagar in Sy.No.173 as bad, arbitrary, contrary to all cannons of law apart from contrary to sethwari records and also offends under Articles 14, 19 and 21 of Constitution of India.

2. Brief facts of the case are that the petitioner is the President of the Fishermen Co-operative Society, Nanaknagar which is registered on 24.08.2011 with registered No.I-162 under Andhra Pradesh Co-operative Societies Act, 1964 and existing with 19 members, having an area of operation of one tank by name Nanaknagar/talab Cheruvu to an extent of Ac.27.26 guntas as shikam talab in Sy.No.173 of Nanaknagar village. It is submitted that since 1960 the Fishermen of the Nanaknagar village are enjoying the fishing rights over the Talab Cheruvu on payment of lease amount to the gram panchayat from time to time. It is further submitted that as per the supplementary sethwar of Tadiparthri village and Nanaknagar village, the area in Sy.No.88 to an extent of Ac.29.26 guntas was deleted from the area of

Tadiparthri village and included in the area of Nanaknagar village as shikam talab. As stated above, the fishermen including their fathers and forefathers of the Nanaknagar village who are members of the society are enjoying the fishery rights of Talab tank to eakout their livelihood. It appears that some members of the 5th respondent society are creating hurdles as if the same Talab tank is shown in the area of operation of the 5th respondent society and they are trying to put seedlings in the tank. It is submitted that the petitioner society had made several representations including representation dated 05.10.2015 to the respondents to resolve this boundary issue.

3. Thereafter, the Assistant Director of Fisheries, Ranga Reddy addressed a letter to the Sarpanch of Gram Panchayat, Nanakanagar village, Yacharam mandal, Rangareddy Distrivt vide Lr.No.18/C/2014 dated __.06.2014 detailing all the facts with recommendations for grant of lease in favour of the petitioner's society in the light of G.O.Ms.No.343 (PR) dated 10.04.1978. It is further submitted that on the representation of the petitioner society regarding boundary disputes, the Inspector of Survey and Land Records submitted a report on 13.03.2014 confirming the area in Sy.No.88 to an extent of Ac.27.26 guntas area was made as kharij khata along with other and the same was included in the Nanaknagar village by assigning new area in Sy.No.173 as shikam Talab to an extent of Ac.27.26 guntas in addition to Sy.No.175, 176 in Nanaknagar village.

It is further submitted that in respect of the same the 5th respondent society is creating hurdles from time to time to encroach upon the Talab tank in Sy.No.173 to an extent of Ac.27.26 guntas of Nanaknagar village, Yacharam Mandal, Rangareddy District. Though a representation was given no action was initiated. Aggrieved by the said in-action of the respondents in not initiating action for deletion of Talab Cheruvu as shown in Sy.No.88 of Tadiparthri village area of operation of society which is virtually in the area of operation of petitioner's FCS, Nanaknagar in Sy.No.173, the present Writ Petition is filed.

4. A counter has been filed on behalf of 3rd respondent and it is submitted that Talab tank is existing in between two villages namely Nanaknagar and Tadiparthi village limits. The said two societies are claiming fishing rights on the Talab tank which is causing disputes between two societies and that the Talab tank comes under the control of Gram Panchayat concerned to issue the fishing rights as the tank possess below 100 acres ayacut. It is further submitted that even the tank which is having below 100 acres ayacut has to be leased out in favour of Fishermen Co-operative Society concerned only vide G.O.ms.No.1776/Food/Agri.(Fish-II) Department, dated 30.12.1990 and the Gram Panchayat tank has to be leased out to the Fishermen Co-operative Society concerned duly fixing the lease amount through 4 Men Committee vide G.O.Ms.No.343 Panchayat Raj Department,

dated 10.04.1978 and G.O.Ms.No.499 Panchayat Raj Department, dated 25.11.1998 and that there is no authority of Fisheries Department in leasing the tanks which is having below 100 Acres ayacut. While referring to the report of the Inspector of Survey and Land Records submitted on 13.03.2014 duly signed by the Thahsildar, Yacharam Mandal, it is pertinent to note that as per the report of Thahsildar the Talab tank comes under the area of operation of Nanaknagar Village only and that 5th respondent is having rights to enjoy the fishery wealth after remitting the lease amount to the Gram Panchayat Nanaknagar. It appears that an appeal has been filed before the Commissioner, Survey, Settlements & Land Records, Telangana State and final report is awaited.

5. Learned Government Pleader for Fisheries has placed a copy of the instructions issued by the District Fisheries Officer, Rangareddy District wherein it is submitted that the Talab Cheruvu of Nanaknagar Village, Yacharam Mandal of Rangareddy District is disposed of to the Fishermen Co-operative Society Nanaknagar after the implementation of the G.O.Rt.No.268 PR & RD (GP-FIN) Department, dated 23.07.2021.

6. Learned counsel for the petitioner(s) submits that they have no instructions and has not disputed the instructions submitted by the learned Government Pleader for Fisheries.

7. Recording the submissions of the learned counsel for petitioner(s) that they have no instructions from the petitioner(s) and in view of the submissions of learned Government Pleader for Fisheries that the Talab Cheruvu of Nanaknagar Village, Yacharam Mandal of Rangareddy District is disposed of to the Fishermen Co-operative Society Nanaknagar after the implementation of the G.O.Rt.No.268 PR & RD (GP-FIN) Department, dated 23.07.2021, the cause in the present Writ Petition does not survive any more and is liable to be closed.

8. Accordingly, the Writ Petition is closed. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

No order as to costs.

SD/-A.V.S.PRASAD
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To

1. One CC to M/s M.VIDYAVATHI, Advocate [OPUC]
2. Two CCs to GP FOR FISHERIES, High Court for the State of Telangana, at Hyderabad. [OUT]
3. One CC to SRI G.V.SHIVAJI, Advocate [OPUC]
4. One CC to SRI G.NARENDER REDDY, SC FOR GRAM PANCHAYATH [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
6. Two CD Copies

PSK.
BS

Q A

HIGH COURT

DATED:30/09/2024

ORDER

WP.No.37806 of 2015



**CLOSING THE WRIT PETITION
WITHOUT COSTS.**

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29/11/24
10 Copies.