

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

**WEDNESDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

**I.A.NO.1 OF 2026
IN / AND
WRIT APPEAL NO: 738 OF 2026**

Writ Appeal under clause 15 of the Letters Patent appeal preferred against the order dated 18-06-2026 passed in WP No.27754 of 2025 on the file of the High Court.

Between:

Fishermen's Co-operative Society Limited, Peddakondur, Peddakondur village, Choutuppal Mandal, Yadadri-Bhuvanagiri District, Rep.by its President, Mora Lingaswamy.

...APPELLANT/THIRD PARTY

AND

1. Bikshapathi Chennaboyina, S/o: Gopal, Aged 48 years, Occ. Chief promoter Fishermen Cooperative Society, R/o. Chinna Kondur Village, Choutuppal Manadal, Yadadri Bhongir District.

....RESPONDENT NO.1/WRIT PETITIONER

2. The State of Telangana, Rep.by its Principal Secretary, Animal Husbandry, Dairy Development and Fisheries, at Secretariat, Hyderabad.
3. The Commissioner of Fisheries, Matsya Bhavan, Shanti Nagar, Vijay Nagar Colony, Hyderabad.
4. The District Collector, Yadadri-Bhuvanagiri District.
5. The District Fisheries Officer, Yadadri-Bhuvanagiri District

...RESPONDENT No.2 to 5/RESPONDENTS NO.1 TO 4

I.A. NO: 3 OF 2026

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 in W.P.No.27754 of 2025, dated 18-06-2026, pending disposal of the main writ appeal.

Counsel for the Appellant: SRI PAPAIAH PEDDAKULA

Counsel for the Respondent No.1: SMT. M. VIDYAVATHI

**Counsel for the Respondent Nos.2 to 5: SRI GADDAM KIRAN KUMAR,
GP FOR FISHERIES DEPARTMENT**

The Court Delivered the following: JUDGMENT

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**
**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN
I.A.No.01 OF 2026
IN /AND
WRIT APPEAL No.738 OF 2026
DATE: 29.07.2026

Between:

Fishermen's Co-operative Society Limited, Peddakondur

....Appellant

And

Bikshapathi Chennaboyina and 4 others

....Respondents

COMMON JUDGMENT

Heard Sri Papaiah Peddakula, learned counsel for the appellant; Smt. Vidyavathi, learned counsel for respondent No.1; Sri Gaddam Kiran Kumar, learned Government Pleader for Fisheries Department appearing for respondent No.2 and perused the record.

2. This writ appeal is preferred under Clause 15 of the Letters Patent, against the order dated 18.06.2026 passed by the learned Single Judge in W.P.No.27754 of 2025. The underlying writ petition was instituted by respondent No.1 seeking a direction to the official respondents to consider his representation for establishment of a new Fishermen Cooperative Society at Chinna Kondur Village by carving out a portion of the area of operation of the appellant Society.

Admittedly, the appellant Society was neither impleaded as a party respondent in the writ petition nor put on notice before the impugned order came to be passed. Aggrieved thereby, the appellant Society has preferred the present writ appeal along with I.A. No.1 of 2026 seeking leave to maintain the appeal.

3. The appellant Society is a registered Fishermen Cooperative Society bearing Registration No.255/QFC/1998, having its area of operation over Peddakondur, Chinnakondur, Mandhollagudem and Masidhgudem villages in Choutuppal Mandal, Yadadri-Bhuvanagiri District. The appellant Society consists of 98 members and its notified area of operation comprises various water bodies, including those situated in Chinnakondur village.

4. Respondent No.1, claiming to be the Chief Promoter of a proposed Fishermen Cooperative Society for Chinnakondur Village, submitted several representations to the competent authorities seeking establishment of a separate Fishermen Cooperative Society by carving out Chinnakondur Village from the area of operation of the appellant Society. Thereafter, respondent No.1 instituted the underlying W.P.No.27754 of 2025 seeking a direction to the District Fisheries Officer to consider his representations, particularly the representation dated 04.11.2024, for formation and registration of a separate Fishermen Cooperative Society at Chinnakondur Village.

5. The underlying writ petition was instituted impleading only the State and its official authorities as respondents, without impleading the appellant Society, notwithstanding the fact that the proposed society was sought to be carved out from the appellant Society's existing area of operation, thereby directly affecting its territorial jurisdiction, membership, water bodies and statutory rights.

6. During the hearing of the writ petition also, reliance was placed on the proceedings dated 13.06.2024 issued by the District Fisheries Officer to the President/Secretary of the appellant Society calling for its objections, if any, to the proposal for formation of a separate Fishermen Cooperative Society at Chinnakondur Village and stating that, in the absence of any response, action would be initiated under Section 16(5) of the Telangana Cooperative Societies Act, 1964.

7. The learned Single Judge, by order dated 18.06.2026, disposed of the writ petition directing respondent No.4 i.e., the District Fisheries Officer, to consider the petitioner's representation dated 04.11.2024 for establishment of a new Fishermen Cooperative Society at Chinnakondur Village, taking into consideration the proceedings dated 13.06.2024 and to initiate appropriate action under Sections 15(A) and 16(5) of the Telangana Cooperative Societies Act, 1964, in accordance with law and the principles of natural justice, after affording an opportunity of personal hearing to

all concerned, within a period of four weeks from the date of receipt of a copy of the order.

8. The learned Single Judge, while passing the aforesaid order, took note of the proceedings dated 13.06.2024 issued by the District Fisheries Officer to the President/Secretary of the appellant Society seeking its response regarding the proposal for formation of a separate Fishermen Cooperative Society at Chinnakondur Village. However, despite noticing the existence of the appellant Society and the fact that the proposed society was sought to be carved out from its existing area of operation, the learned Single Judge neither directed impleadment of the appellant Society in the writ proceedings nor ensured that notice was issued to it before issuing directions which had the potential of affecting its vested statutory rights, territorial jurisdiction, membership and the water bodies falling within its notified area of operation.

9. Aggrieved thereby, the appellant-Society has preferred the present Writ Appeal, together with an application seeking leave to file the present writ appeal.

10. Learned counsel appearing for the appellant-society has advanced the following submissions:

- i) That the appellant Society is a necessary and proper party to the underlying writ petition, as the relief sought therein for

formation of a separate Fishermen Cooperative Society by carving out Chinnakondur Village from the appellant Society's notified area of operation directly affects the statutory rights, territorial jurisdiction, membership, water bodies, fishing rights and economic viability of the Society. Therefore, no effective order could have been passed in the absence of the appellant Society, inasmuch as it adversely affects the rights of the Society and its members.

- ii) That the learned Single Judge had taken note of the fact that the proposed Society was to be carved out from the appellant Society as well as the proceedings dated 13.06.2024 issued by the District Fisheries Officer to the President/Secretary of the appellant Society calling for its objections. However, the order, was passed without affording the appellant Society an opportunity of hearing, and as such the order is vitiated for violation of the principles of natural justice.
- iii) That the learned Single Judge proceeded on an incorrect premise that Section 16(5) of the Telangana Cooperative Societies Act, 1964 empowers the District Fisheries Officer to divide or bifurcate an existing Cooperative Society. It was contended that the said provision neither confers any adjudicatory power upon the District Fisheries Officer nor authorises bifurcation or alteration of the area of operation of

an existing registered Cooperative Society. Any such exercise can be undertaken only by the competent statutory authority in accordance with the procedure prescribed under the Act and the Rules.

- iv) That the underlying writ petition suffered from suppression of material facts, inasmuch as respondent No.1 failed to disclose that the appellant Society is the existing registered Fishermen Cooperative Society having jurisdiction over both Peddakondur and Chinnakondur villages and deliberately omitted to implead it, despite the proposed society being sought to be carved out from the appellant Society's existing area of operation. It was further submitted that the proposed society would overlap with the appellant Society's notified territorial jurisdiction.
- v) That, if the impugned order is permitted to stand, the appellant Society would suffer serious prejudice by reduction of its membership, diminution of its notified area of operation, impairment of its fishing rights, deprivation of benefits under Government schemes and adverse financial consequences, without any adjudication in accordance with the procedure established by law.

11. The learned counsel for respondent No.1 (writ petitioner) supported the order of the learned Single Judge and submitted that the grievance of the writ petitioner was the inaction of the officials of

the fisheries department. The learned counsel further submitted that the order of the learned Single Judge had directed that all the concerned parties be afforded an opportunity of hearing and as such no prejudice is caused to the appellant, who could be heard by the officials before taking any action in the matter. Learned Government Pleader for Fisheries reiterated the submissions as stated in the counter-affidavit filed before the learned Single Judge.

12. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

13. In the present case, the appellant Society is the existing registered Fishermen Cooperative Society having jurisdiction over Peddakondur, Chinnakondur and other notified villages. The relief sought in the underlying writ petition was for establishment of a separate Fishermen Cooperative Society at Chinnakondur Village by carving out a portion of the appellant Society's existing area of operation. Any such exercise would necessarily have a bearing on the appellant Society's territorial jurisdiction, membership, water bodies, fishing rights and other statutory interests, and these are matters which could have been properly adjudicated after hearing all affected parties. Therefore, in our view, the appellant Society was a necessary and proper party to the writ proceedings.

14. In ***Ramesh Hirachand Kundanmal v. Municipal Corporation of Greater Bombay***¹, the Hon'ble Supreme Court held that a person whose rights are likely to be directly affected by the ultimate decision of the Court is a proper party and may be impleaded in order to avoid multiplicity of proceedings.

15. A perusal of the impugned order discloses that the learned Single Judge took note of the proceedings dated 13.06.2024 issued by the District Fisheries Officer to the President/Secretary of the appellant Society calling for its response regarding the proposal for formation of a separate Fishermen Cooperative Society at Chinnakondur Village. The learned Single Judge also directed the statutory authority to proceed in accordance with law and the principles of natural justice after affording an opportunity of personal hearing to all concerned. However, before issuing the impugned directions, the learned Single Judge neither directed impleadment of the appellant nor afforded an opportunity of hearing to the appellant Society, notwithstanding the fact that the proposed exercise was liable to directly affect its existing rights and interests. In the considered opinion of this Court, the appellant Society ought to have been impleaded and heard before issuance of the impugned directions.

¹ (1992) 2 SCC 524

16. The underlying writ petition was proceeded only against the State and its officials without impleading the appellant Society, though the pleadings themselves disclosed that the proposed Fishermen Cooperative Society was sought to be constituted by carving out Chinnakondur Village from the appellant Society's notified area of operation and that in such factual backdrop the appellant Society was a necessary and a proper party. In these circumstances, the appellant Society, being the entity likely to be directly affected by the outcome of the writ petition, ought to have been impleaded before any effective directions were issued.

17. The appellant Society is an existing registered Cooperative Society functioning under Registration No.255/QFC/1998 and has been operating within its notified area for several years. Any proposal affecting its area of operation, membership or water bodies has a direct bearing on its existing statutory rights and obligations. Such rights cannot be affected without following the procedure contemplated under the statute and without affording the appellant Society a reasonable opportunity of participation in the decision-making process.

Conclusion

18. For the foregoing reasons, this Court is of the considered view that the impugned order directly affects the existing right and

interest of the appellant Society. Therefore, to meet the ends of justice, the matter is remitted back to the learned Single Judge for fresh consideration on merits. The appellant Society shall be impleaded as a party respondent and afforded an adequate opportunity of hearing.

19. Accordingly, I.A.No.1 of 2026 is allowed, granting leave to the appellant Society to maintain the present Writ Appeal. The Writ Appeal is allowed. The order dated 18.06.2026 passed in W.P.No.27754 of 2025 is set aside and the writ petition is restored to the file of the learned Single Judge for fresh consideration in accordance with law. The appellant Society, namely, Fishermen's Co-operative Society Limited, Peddakondur, shall be impleaded as a party respondent in the writ petition and the Registry shall carry out the necessary amendment to the cause title. It is clarified that this Court has not expressed any opinion on the merits of the rival claims, and all contentions are left open for consideration by the learned Single Judge. No costs.

**SD/- M.RAMANA KRISHNA
JOINT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Animal Husbandry, Dairy Development and Fisheries, at Secretariat, Hyderabad.
2. The Commissioner of Fisheries, Matsya Bhavan, Shanti Nagar, Vijay Nagar Colony, Hyderabad.

3. The District Collector, Yadadri-Bhuvanagiri District.
4. The District Fisheries Officer, Yadadri-Bhuvanagiri District
5. The Section Officer, Writ non-service section, High court for the state of Telangana.
6. The Section Officer, Posting Section, High court for the state of Telangana
7. One CC to Sri Papaiah Peddakula, Advocate [OPUC]
8. One CC to SMT. M. Vidyavathi, Advocate [OPUC]
9. Two CCs to the GP for Fisheries, High Court for the State of Telangana, at Hyderabad[OUT]
10. Two CD Copies

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TKS

HIGH COURT

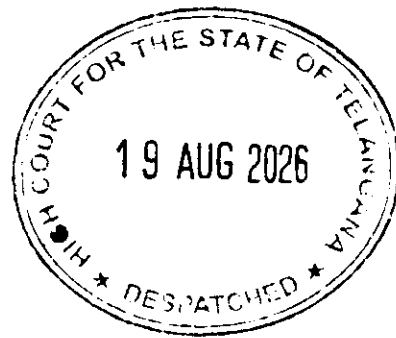
DATED: 29/07/2026

JUDGMENT

I.A NO.1 OF 2026

IN

WA.No.738 of 2026



ALLOWING THE WRIT PETITION

WITHOUT COSTS

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