

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.5909 of 2015

ORDER:

The petitioner claims to be the absolute owner and possessor of agricultural land admeasuring Acs.9.39 guntas in Survey No.164/E part situated at Nagulavancha Village, Chintakani Mandal in Khammam District. The petitioner wanted to convert the said agricultural land into a fish tank and without obtaining permission, she converted the same into fish tank in the year 2010. While so, the Government issued G.O.Ms.No.7, dated 16.03.2013, in supersession of the earlier orders of the Government and the petitioner submitted an application for regularization of fish tank on 10.02.2015 pursuant to the said Government Order. When the same was not considered and when the respondents are interfering with the aqua-culture activity, the present Writ Petition is filed.

The respondents filed a counter affidavit stating that the petitioner submitted an application by paying an amount of Rs.7,000/- as processing fee. The ownership of the land by the petitioner is not disputed. However, it is stated as follows:

“It is submitted that her application for regularization will be placed before the next District Level Committee for levying the fine of Rs.5,000/- per acre for her failure to apply before three months from the date of issuance of Government Order and her application will be processed in accordance with the guidelines given in the Government order No.7, Animal Husbandry, Dairy Development and Fisheries (Fish-II) Department dated 16.3.2013.”

Learned Counsel for the petitioner submits that G.O.Ms.No.7, dated 16.03.2013, speaks of levying penalty at the rate of Rs.500/- per acre for not applying for regularization within time, but, the respondents cannot levy fine of Rs.5,000/- per acre.

This Court perused G.O.Ms.No.7, dated 16.03.2013. The

Government Order speaks of payment of processing fee of Rs.200/- per acre and penalty of Rs.500/- per acre if the applicant wants regularization within the prescribed period. If the applicant files an application for regularization after the prescribed period, a penalty of Rs.5,000/- per acre would be levied by the District Collector and the operations would be closed.

In the circumstances, if the petitioner wants regularization of the fish ponds, which are already in operation, the petitioner is at liberty to pay the amount of Rs.5,000/- per acre for failure to apply within three months from the date of the Government Order, and upon payment of the said amount, the second respondent is directed to consider the application of the petitioner dated 10.02.2015, within a period of one month from the date of receipt of a copy of this order or payment of the amount, whichever is earlier, and pass appropriate orders in terms of the Government Order.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

01.07.2015
vs