

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.13639 of 2011

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Between:

1. Rajulapati Ganga Raju and others.

PETITIONERS

AND

1. The Deputy Director (Fisheries)-cum-Convener, District Level Committee, Machilipatnam, Krishna District, and others.

RESPONDENTS

ORDER:

The case of the petitioners is that they are the owners of the fish tanks situated in Intheru Village, Krithivenu Mandal, Krishna District. The petitioners state that most of the lands in the village are converted into fish tanks and there is no possibility of carrying out agricultural operations in those lands. Therefore, the petitioners have converted their lands into fish tanks and applied for regularization of existing fish tanks. The Government of Andhra Pradesh has issued comprehensive

guidelines for regularization of existing Fresh Water Aquaculture tanks and setting up of new fish tanks by paying requisite fee by way of demand drafts. Pursuant to the above guidelines, the petitioners submitted their applications on 18.11.2010 and 22.09.2010 along with requisite fee by way of demand draft. The main grievance of the petitioners is though they have submitted their applications as long back as in 2010, the respondents did not pass any orders on the same, in stead they are interfering with their peaceful possession and enjoyment of their tanks. Hence the present writ petition.

Heard learned counsel for the petitioners and learned Government Pleader for Fisheries.

Having noticed that no counter affidavit has been filed by the 1st respondent, this Court directed the 1st respondent-Deputy Director (Fisheries)-cum-Convener, District Level Committee, Machilipatnam, to file counter to enable this Court to understand the policy of the Government for regularization of fish ponds.

Today, when the matter is listed for hearing, the learned Government Pleader made available a copy of the counter affidavit said to have been filed on 29.11.2013, before this Court. Relevant portion of the counter reads as under:

“Accordingly, the petitioners have reapplied for regularizing the existing fish tanks covering an extent of Ac.21.58 cts., covered by R.S.No.72.2A, 70, 71/1, 69, 70, an extent of Ac.37.94 cts covered by R.S.No.75-3, 70, 50, 51-1,2,3, 47-4,5,6,7, 74 of Interu village Kruthuvennu Mandal in new formats as per the norms in G.O.Ms.No.7, dated 16.03.2013. Accordingly, the Tahsildar, Kruthinvennu has returned the proposal along with the revised check list routed through Revenue Divisional Officer, Bandar in terms of G.O.Ms.No.7, dated 16.3.2013. The Tahsildar, Kruthivenu has recommended the proposals to regularize the above fish tanks as per the provisions of G.O.ms.No.7, dated 16.03.2013. Accordingly, after receiving from the Revenue Divisional Officer, Bandar, the proposal will be submitted to the District, Collector and Chairman, District Level Committee for approval, modifications or rejection.”

In as much as the petitioners' applications for regularisation were being considered under G.O.Ms.No.7, dated 16.03.2013, which is applicable as on today, and considering the fact that this writ petition is of the year 2011, there shall be a direction to the respondents to complete the entire process within a period of two months from today. Since the fish tanks have already been dug and the Government

itself is in the process of considering the regularization of the same, the respondents shall not take any coercive steps, until final orders are passed.

With the above directions, the writ petition is disposed of. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

24th November, 2015

Js.