

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.33146 of 2012

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03.06.2015

Between:

Samantapudi Suryanaryana Raju and another

...Petitioners

And

The Government of India, represented by its Secretary,
Ministry of Agriculture, New Delhi and others

...Respondents

Counsel for the petitioners: Sri P.Durga Prasad

Counsel for respondent Nos.1 and 7: Assistant Government
Pleader for Fisheries (AP)

Counsel for respondents Nos.2 and 3: Mr.P.S.P.Suresh Kumar

Counsel for respondent Nos.4, 5 and 6: Assistant Government
Pleader for Revenue (AP)

Counsel for respondent Nos.8 and 9: Mr.K.Chidambaram

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent Nos.1 to 7 in considering the petitioners' representation, dated 27.02.2012, for taking action against respondent Nos.8 and 9 for carrying on illegal aqua culture operations in R.S.Nos.149/2, 151/1 and 151/2 of Dagguluru Village, Palakol Mandal, West Godavari District, as illegal and arbitrary.

Except respondent Nos.8 and 9, the other respondents have not filed counter-affidavits. While it is the case of the petitioners that though respondent Nos.8 and 9 have not obtained any permission from any of the official respondents for carrying on aqua culture activity and been carrying on aqua culture operations illegally, no action is being taken by any of the official respondents despite the representation

made by the petitioners in that regard, Ms.Sindhu, learned counsel representing Mr.K.Chidambaram, learned counsel for respondent Nos.8 and 9, submitted that her clients have obtained permission for carrying on aqua culture activity for a period of five years, which expired in the year 2014 and that as there was threat of demolition of their aqua culture activity by the official respondents, they have filed W.P.No.22398 of 2014 and secured an interim order under which they have been carrying on aqua culture operations.

Mr.P.S.P.Suresh Kumar, learned counsel for respondent Nos. 2 and 3, submitted that his clients have not received any representation from the petitioners. He has, however, stated that respondent No.2 granted permission for carrying on aqua culture activity in R.S.No.149/2 in favour of certain third parties and no such permission was granted in respect of R.S.Nos.151/1 and 151/2.

As the relief claimed in this writ petition is innocuous in nature, viz., consideration of the representation of the petitioners, it is not necessary for this Court to pronounce on the issue whether aqua culture activity being carried on by respondent Nos.8 and 9 is illegal or not.

If respondent Nos.8 and 9 have secured an interim order in W.P.No.22398 of 2014 from this Court, till such order is vacated, no action could be taken against them by the official respondents even if it is found that they are carrying on aqua culture activity without obtaining permission.

Therefore, respondent No.4 is directed to place the representation of the petitioners before the committee constituted under G.O.Ms.No.7, dated 16.03.2013, which will take appropriate decision after putting the petitioners and respondent Nos.8 and 9 on notice and communicate the same to both the parties within a period of two months from the date of receipt of the representation of the petitioners.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.42198 of 2012 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

03rd June, 2015

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