

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.33559 of 2015

ORDER:

Heard the learned counsel for petitioners, the learned Government Pleader for Fisheries for respondents 1 to 5 and the learned counsel for respondents 6 and 7.

2. The petitioners are the agriculturists who converted their agricultural lands as fish ponds in an extent of Acs.4-25 cents in R.S.No.2 of Digamaruru Village, Palakol Mandal, West Godavari District. Initially permission was granted to the petitioners to continue aquaculture in the said lands for a period of five years i.e., from 31.01.2009 to 30.01.2014. After expiry of that permission, and even before that, respondents 6 and 7 have been objecting to grant of permission in favour of the petitioners on the ground that due to the activity of the petitioners, seepage of saline water is affecting the neighbouring agricultural lands. After expiry of permission on 30.01.2014, the petitioners filed W.P.No.3224 of 2014, and this Court disposed of the same on 02.04.2014, by observing as follows:

“ ... The 2nd respondent is further directed to consider the representation dated 20.01.2014, filed by the petitioners for renewal of registration after taking into account report dated 22.03.2011 and objections filed by the respondents 4 and 5, within a period of four (4) weeks from the date of receipt of a copy of this order. The respondents 1 to 3 shall take steps to see that no fishing operations take place before grant of appropriate registration under G.O.Ms.No.7 dated 16.03.2013.”

3. Thereafter when the application of the petitioners for renewal of the permission was pending, the petitioners filed W.P.No.3643 of 2015, and this Court disposed of the same

directing the District Level Committee to consider the application of the petitioners dated 20.01.2014 and pass appropriate orders therein within a period of thirty days from the date of receipt of a copy of that order. Pursuant to the said order, the District Level Committee considered the application of the petitioners for renewal of the permission and passed the impugned order on

28.09.2015 rejecting the request of the petitioners for renewal by taking into consideration the objections filed by respondents 6 and 7. In the said order, the Demolition Committee was directed to demolish the tanks of the petitioners which are existing by virtue of the permission granted earlier. Challenging the same, the present Writ Petition is filed.

4. The learned Government Pleader submitted that against the impugned order, there is an alternative remedy of appeal. The learned counsel for the petitioners seeks liberty to file an appeal against the impugned order.

5. In the circumstances, this Writ Petition is disposed of giving liberty to the petitioners to file an appeal before the competent authority on or before 31.10.2015. In the meanwhile, the *status quo* existing as on today shall continue.

No order as to costs. Miscellaneous petitions, if any pending, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 09.10.2015

Note: Issue CC by 13.10.2015

B/o. TJMR