

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.22679 of 2012

Dated 23.09.2015

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Between:

Kunaparaju Badarinarayana Raju and 2 others

... Petitioners

and

-

The District Collector,

West Godavari District, Eluru-cum-

Chair Person, District Level Committee,

West Godavari District and 19 others.

...Respondents

Counsel for the petitioner: Mr.C.Sumon

Counsel for respondent Nos.1 to 3: AGP for Revenue (AP)

Counsel for respondent No.4: AGP for Fisheries (AP)

Counsel for respondent Nos.5 & 6: AGP for Irrigation & CAD (AP)

Counsel for respondent Nos.13, 19 & 20: Mr.P.Sri Ram

Counsel for respndetn Nos.7 to 12, 14, 16, 17 & 18: Mr.Ch.S.V.Suraj

The Court made the following:

Order:

Feeling aggrieved by the purported inaction of respondent Nos.1 to 6 in preventing respondent Nos.7 to 15 from digging fish tanks and carrying on aquaculture without permission, the petitioners filed this Writ Petition.

At the hearing, it has come out that this Court *vide* Order, dated 08-07-2015, in W.P.No.716 of 2012, while expressing grave concern at the manner in which the aqua operations are being permitted in the West Godavari District, issued the following directions:

“The facts noted above would reveal that the executive apparatus appeared to have gone into hibernation without taking timely action to curb the menace of unlawful aquaculture activity, for the reasons which this Court does not want to hazard a guess. There can be no better testimony of absolute neglect by the functionaries at the District level in curbing this menace than pendency of about 13,000 applications for grant of regularization and allowing the applicant to carry on the aqua culture activity in the guise of deemed permission. This supine indifference on the part of the District Administration deserves strong deprecation and this Court has no option other than inferring from their inaction that they are in complicity with the unscrupulous elements, which have been carrying on illegal aquaculture activity at the cost of genuine agriculturists growing paddy.

It is time that the State and its concerned Officers must realize that rice is the staple food in both the Telugu speaking States of Telangana and Andhra Pradesh and fish and prawn can never substitute rice. If this kind of official apathy is allowed to continue, I am afraid, paddy farming in the State of Andhra Pradesh, which has acquired the reputation of the rice bowl of India, will die its natural death and a situation may emerge where our country may look to South

East Asian countries, such as China and Indonesia, to import rice. I hope and wish that the State will wake up to the reality and take all possible measures to strictly implement the Circular instructions and administrative guidelines in order to prevent illegal/unauthorized aqua/prawn culture in the State of Andhra Pradesh.

In the light of the above discussion, respondent No.2 is directed to forthwith plunge into action and take all such measures as are needed for curbing the illegal aquaculture activity, before it becomes too late. He shall immediately fix a schedule for disposal of all the pending applications and shall ensure that within a maximum period of four months from now, they are disposed of. He shall also ensure that the aquaculture tanks, which are being run either without permission or

in respect of which no applications for permission/for regularization are pending are forthwith closed after notice to the owners thereof.”

As the directions issued by this Court referred to above are wide ranging, the same would redress the grievance of the petitioners as well. Hence, this Writ Petition is disposed of in the light of the above-reproduced directions.

If respondent Nos.1 to 6 do not take appropriate measures in pursuance of the above-reproduced directions, the petitioners shall be free to avail a fresh remedy.

As a sequel to disposal of the Writ Petition, miscellaneous petitions, pending if any, stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 23rd September, 2015

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