

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.17850 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner is the owner and possessor of Ac.10.87 cents of land in Survey Nos.291/1, 291/4, 291/6, 291/2, 294/4, 293/2 and 291 situated at Kanukollu Village, Mandavalli Mandal, Krishna District. The said lands were converted into fish tanks pursuant to the deeming provision under G.O.Ms.No.18 Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dated 26.03.2008, as the application filed by the petitioner on 18.06.2010 was not considered within the time stipulated therein. Later, the Government issued G.O.Ms.No.7, dated 16.03.2013 regulating the procedure for registration of the existing fish tanks as well as conversion of existing non-agricultural lands into fish tanks. It is submitted that the petitioner submitted another application on 04.02.2014 for regularization of aquaculture activity and the said application was also not considered and no orders were passed by the first respondent. The petitioner earlier approached this Court by filing W.P.No.7058 of 2011 and W.P.No.13929 of 2014 when the respondents were interfering with the activities of the petitioner.

Be that as it may, the petitioner's claim is based on the deeming provision under G.O.Ms.No.18, dated 26.03.2008 and his entitlement is expired on 17.06.2015. Since the petitioner submits that he had already filed an application along with the requisite fee on 04.02.2014 for regularization of aquaculture activity as per G.O.Ms.No.7, dated 16.03.2013, the said application should have been considered by the first respondent, however, it has not been disposed of so far. It is alleged that the third respondent is interfering with the aquaculture

activities.

The learned counsel for the petitioner also submits that the fourth respondent addressed a letter to the third respondent in Rc.No.277/C/2014, dated 19.05.2014 requesting the third respondent to permit the petitioner to take up repair works without deviating the procedure prescribed by the Government in G.O.Ms.No.7, dated 16.03.2013. The present grievance of the petitioner is that in spite of the said letter of the fourth respondent, the third respondent is still interfering with the aquaculture activities of the petitioner.

In the circumstances, this Court feels that the first respondent shall consider the application filed by the petitioner on 04.02.2014 for regularization of the aquaculture activity in terms of G.O.Ms.No.7, dated 16.03.2013 and shall pass appropriate orders, within the period of 60 days from the date of receipt of a copy of this order. Till then, the third respondent shall not interfere with the repair works undertaken by the petitioner on the existing aquaculture tanks so long as he does not violate the provisions of G.O.Ms.No.7, dated 16.03.2013.

With the above directions, the writ petition is disposed of. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

(A. RAMALINGESWARA RAO, J)

Date: 19.06.2015

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