

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.16708 of 2015

DATED 25TH JUNE, 2015

BETWEEN

Naga Hanuman Fish Ponds, Eluru,
Rep. by its Managing Partner Nukala Ramakrishna

.....Petitioner

And

State of Andhra Pradesh,
Fisheries and Animal Husbandry Department,
Rep. by its Principal Secretary,
Secretariat, Hyderabad and ors.

...Respondents.

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WRIT PETITION No. 16708 of 2015.

ORDER:

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

The petitioner is the owner of the agricultural land to the total extent of Ac.23.19 cents in Sy.Nos.366/1,4,6,8,9,10, 368/3, 396/1, 3A, 3B, 398/2, 399/1,3,4, 5430/1,2 and 4 situated at Kakulapadu Village, Bapulapadu Mandal, Krishna District. The petitioner made an application to the third respondent under G.O.Ms.No.83, dated 12.09.2007 as amended by G.O.Ms.No.18, dated 26.3.2008 for conversion of said agricultural lands into fish ponds. Since no decision was

communicated to the petitioner, it was deemed that permission was granted and said deemed permission came to an end after five years i.e. on 28.01.2015. Thereafter, the petitioner did not make any application in pursuance of G.O.Ms.No.7, dated 16.3.2013. However, the present Writ Petition is filed challenging inaction of the respondents in not granting final registration certificate on the application made by the petitioner way back on 29.01.2010. In view of the expiry of the deemed permission and in view of the issuance of new G.O.Ms.No.7, dated 16.3.2013, the petitioner ought to have made an application afresh in terms of said new Government Order. Without filing such new application, the petitioner after having enjoyed the benefit of deemed permission for five years from date of initial application dated 29.01.2010, it is not open for the petitioner to urge inaction on the part of the respondents. In the circumstances, this Writ Petition is liable to be dismissed and accordingly the same is dismissed. However, it is open for the petitioner to take appropriate steps in accordance with G.O.Ms.No.7, dated 16.3.2013.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 25TH JUNE, 2015.
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