

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.12103 of 2015

ORDER:

Heard Sri Rambabu Koppineedi, learned counsel appearing for the petitioner, learned Government Pleader for Fisheries appearing for the respondents 1 to 3 and the learned Government Pleader for Revenue appearing for the 4th respondent.

2. This writ petition is filed seeking to declare the action of the respondents in not granting provisional registration certificate on the application submitted by the petitioner seeking permission to aqua culture farms in R.S.Nos.38, 39, 42, 43 and 44 admeasuring total extent of Ac.22.40 cents in Kudaravalli Village, Nandivada Mandal, Krishna District, as illegal, arbitrary and consequently direct the respondent authorities to issue provisional registration certificate in favour of the petitioner for fish tank forthwith.

3. Identical issue was decided by the learned single Judge of this Court in W.P.No.17204 of 2014. Learned single Judge considering the fact that all the authorities concerned have recommended the petitioners' land for conversion into fish tanks from agricultural lands as per G.O.Ms.No.7, dated 16-3-2013, permitted to carry on digging operations in the subject lands. In the instant case also, all the authorities concerned have made recommendation in favour of the petitioner for conversion of the lands.

4. The present writ petition is, therefore, disposed of in terms of the decision rendered in the aforesaid writ petition. The petitioner shall be permitted to carry on digging operations in the subject lands, but he shall not start aqua culture activities in the said lands till registration is granted to the petitioner. The 2nd respondent is also directed to dispose of the application filed by the petitioner on 19-11-2010 as per G.O.Ms.No.7, dated 16-3-2013. However, the digging operations shall be subject to the decision taken by the District Level Committee

and even if registration is not granted to the petitioner, he shall not claim any compensation or seek for further remedy from the authorities concerned in view of digging of the tank concerned. No order as to costs. The miscellaneous petitions pending, if any, in this writ petition shall stand closed. No costs.

JUSTICE RAJA ELANGO

23rd April, 2015

skmr