

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.20108 of 2015

Between:

1. Badarawada Eswara Raju and another

PETITIONERS

AND

1. State of Andhra Pradesh rep. by its Principal Secretary, Fisheries
Department, Secretariat, Hyderabad, and others.

RESPONDENTS

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.20108 of 2015

ORDER:

The case of the petitioners is that 1st petitioner is the absolute owner and possessor of land admeasuring Ac.29.09 cents in Sy.Nos.630/2, 631, 634/2, 1, 626, 627/1, 2, and the 2nd petitioner is the owner and possessor of Ac.19.79 cents in Sy.Nos.621, 622, 620/1, 623, 624, 625, 129 situated at Gundugolanu Village, Bhimadole Mandal, West Godavari District. They wanted to convert their lands into aquaculture activity and submitted applications to respondents 2 and 3 for grant of provisional permission. After conducting due enquiry, respondents 2 and 3 granted provisional permission in favour of the petitioners, on 30.04.2013, as per the provisions of G.O.Ms.No.7, dated 16.03.2013. Thereafter, the petitioners dug fish tanks in the above lands by investing huge amounts for formation of bunds and thereafter made applications in Form-C for final registration on 10.01.2015.

It appears that a show cause notice was issued to the petitioners and the petitioners submitted explanation to the same on 10.06.2014. Without referring to the explanation, when the respondents issued proceedings dated 27.06.2014 cancelling the provisional permission given to the petitioners, they approached this Court by filing W.P.No.18216 of 2014 and this Court by order dated 03.07.2014 granted interim suspension of the said proceedings. The grievance of the petitioners is that though the interim orders passed by this Court are in force, without implementing the same, the 3rd respondent issued notice dated 22.06.2015 directing the petitioners not to commence aquaculture activity. Challenging the same, the

present writ petition is filed.

Learned counsel for the petitioners submits that as per G.O.Ms.No.7 dated 16.03.2013 as amended by G.O.Ms.No.15 dated 26.05.2015 the final registration should be granted within one month from the date of receipt of application for final registration.

It is not in dispute that the petitioners made application for final registration on 10.01.2015 and the same was pending consideration before the 2nd respondent, and that the proceedings dated 27.06.2014 of the 2nd respondent cancelling the provisional permission granted to the petitioner were suspended by this Court through order dated 3.07.2014 in W.P.No.18216 of 2014.

In the circumstances, the writ petition is disposed of directing the 2nd respondent to consider the applications submitted by the petitioners on 10.01.2015 for final registration and pass appropriate orders in accordance with the provisions of G.O.Ms.No.7, dated 16.03.2013 as amended by G.O.Ms.No.15 dated 26.05.2015, within a period of 30 days from the date of receipt of a copy of this order. No costs.

Pending miscellaneous petitions, if any, shall also stand closed.

A. RAMALINGESWARA RAO, J.

3rd July, 2015
Js.