

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.16798 of 2012

Dated 18th June, 2015

Between:

V.Venkata Rama Raju and another

...Petitioners

And

The District Collector-cum-Chairman, District Level Committee,
Krishna, Machilipatnam, Krishna District and others

...Respondents

Counsel for the petitioners: Sri V.V.Prabhakara Rao

Counsel for the respondents: AGP for Fisheries (AP)

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of the respondents in interfering with the petitioners' possession and enjoyment of their respective lands admeasuring Acs.26.46½ cents in R.S.Nos.1029/4, 1033/2, 1034/3, 1035/2, 1030/2, 1029/2, 1035/2, 1027/3, 1027/4, 1033/3, 1034/2, 1028/4, 1036/4, 1035/2, 1036/3, 1026/4, 1025/4 and 1035/3 of Potumedha Village, H/o Mandhapakala, Koduru Mandal, Krishna District as illegal and arbitrary.

The petitioners have made applications on 08.10.2010 for registration of their lands for carrying on fresh aqua culture as per G.O.Ms.No.18, dated 26.03.2008. Taking advantage of the Clause in the said GO providing for deemed permission due to non-disposal of their applications within the prescribed time, the petitioners claimed to have started the aqua culture operations without specific permissions. When the petitioners wanted to repair the tanks, respondent No.3 has

issued the impugned endorsement in Roc.No.110/2011(B), dated 21.05.2012, informing them that in view of the pendency of their applications for regularisation, the petitioners cannot carry out the repairs. Though this writ petition is pending for the last nearly three years, no interim order has been granted.

At the hearing, the learned Assistant Government Pleader for Fisheries (AP) submitted that the petitioners' applications are pending and that after filing of this writ petition, the Government has issued G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (FISH.II) Department, dated 16.03.2013, revising the guidelines. Clause-11 of Annexure-I to the said GO envisages consideration of the applications pending before issuance of the said GO in accordance with the said GO.

Inasmuch as the petitioners' applications are stated to be pending, respondent No.1 is directed to consider and dispose of the same strictly in accordance with the guidelines contained in G.O.Ms.No.7, dated 16.03.2013, within two months from the date of receipt of a copy of this order. As no permission for repairs has been granted to the petitioners so far, I am not inclined to grant any such permission pending disposal of their applications by respondent No.1.

Subject to the above direction and observation, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.21565 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

18th June, 2015
VGB