

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

**Writ Petition Nos.25618/12 & 31174/13**

**Dated 06<sup>th</sup> August, 2015**

**Between:**

Nadimpalli Veerraju and another

**...Petitioners**

(W.P.No.25618 of 2012)

**And**

The Deputy Director of Fisheries, Kakinada, East Godavari District and others

**...Respondents**

(W.P.No.25618 of 2012)

**Counsel for the petitioners: Sri M.R.S.Srinivas**

(W.P.No.25618 of 2012)

**Counsel for respondent Nos.1 to 5: AGP for Fisheries (AP)**

**Counsel for respondent No.5: Sri M.V.S.S.Acharyulu**

for Sri K.Gani Reddy

(W.P.No.25618 of 2012)

**The Court made the following:**

**COMMON ORDER:**

As the parties to and the subject matter in both these writ petitions being common, they are heard and being disposed of together.

The petitioners filed W.P.No.25618 of 2012 for a mandamus to declare the action of respondent Nos.1 to 5 in not preventing respondent No.6 from carrying on aquaculture cultivation unauthorisedly as illegal and arbitrary. They have sought for a direction to the said respondents to demolish the unauthorised fish and prawn tanks in Survey Nos.644/1A, 644/3A, 644/1B, 644/4 and 643/1 of Kithana Cheruvu Village, H/o.Bhimanapalli, Uppalaguptam Mandal,

East Godavari District.

While respondent No.1 has filed a counter affidavit stating that respondent No.6 has been carrying on illegal aquaculture activity without permission, respondent No.5 filed a separate counter affidavit, wherein he has stated that respondent No.6 has been carrying on aquaculture under the valid permission granted by the Coastal Aquaculture Authority on 05.04.2010. Having regard to the said fact, the petitioners filed W.P.No.31174 of 2013 questioning the said certificate issued in favour of respondent No.6 and his wife, who is arrayed as respondent No.7 in W.P.No.31174 of 2013.

In view of the fact that respondent Nos.6 and 7 have obtained permission from the Coastal Aquaculture Authority for carrying on aquaculture/prawn culture activity, the very premise on which the petitioners have filed W.P.No.25618 of 2012 turned out to be incorrect. Therefore, no mandamus as sought in the said writ petition can be issued.

As regards W.P.No.31174 of 2013, a perusal of the permission granted by the Coastal Aquaculture Authority shows that the same was granted on 05.04.2010 for a period of five years. Therefore, the period for which permission was granted has expired. Hence, it is not necessary to adjudicate on the legality or otherwise of such permission granted in favour of respondent Nos.6 and 7.

Sri M.R.S.Srinivas, learned counsel for the petitioners, submitted that as the permission granted to respondent Nos.6 and 7 has expired, they are not entitled to carry on aquaculture in future.

In my opinion, what transpires after expiry of the permission granted by the Coastal Aquaculture Authority gives rise to a fresh cause of action. Therefore, it is not necessary for this Court to issue directions for future. If the petitioners feel aggrieved by the alleged illegal activity of respondent Nos.6 and 7 in W.P.No.31174 of 2013, they shall be free to avail a fresh remedy.

Subject to the liberty to the petitioners as above, the writ

petitions are dismissed.

As a sequel to dismissal of the writ petitions, interims order(s), if any, shall stand vacated and the pending interlocutory applications shall stand disposed of as infructuous.

**C.V.NAGARJUNA REDDY, J**

06<sup>th</sup> August, 2015  
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