

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.13042 AND 3328 of 2015

COMMON ORDER:

Heard the learned counsel for petitioners and the learned Government Pleader for official respondents. Though respondents 6 to 8 were served on 22.06.2015, they did not enter their appearance.

2. For the sake of convenience, the parties shall be referred to as they are arrayed in W.P.No.13042 of 2015.

3. The petitioners in both the Writ Petitions claim that they are the owners of certain extent of lands in Sy.Nos.105/2, 105/4A, 105/4B, 105/5A, 105/5B, 109/2, 109/5, 110, 111/1, 111/2, 111/5, 111/6, 112, 113, 114/4, 115, 116/1, 117 and 118 of Kakaravada Village, Mudinepalli Mandal, Krishna District, having purchased the same under various registered sale deeds. They are having revenue records also in their favour. Respondents 6 and 7 are neighbouring land owners. While so, respondent No.8 started converting the agricultural lands of respondents 6 and 7 for aquaculture purpose and an application was stated to have been submitted in the name of respondents 6 and 7 in February 2015 in terms of G.O.Ms.No.7, dated 16.03.2013. When digging activity was undertaken by respondent No.8 without obtaining permission, the petitioners filed W.P.No.3328 of 2015 without impleading respondent No.8. Thereafter, the petitioners applied for information under the RTI Act on 11.04.2015 and came to know that a provisional registration was granted in favour of respondent Nos.6 and 7 by the third respondent making it clear that "the owner of the farm should not stock the seed until the farm is finally registered". In spite of the same, when respondent No.8 stocked the seed in the farm even before obtaining final registration certificate, Writ Petition No.13042 of 2015 was filed.

4. G.O.Ms.No.7, dated 16.03.2013 was issued giving detailed

guidelines and procedure to be followed for conversion of agricultural lands for aquaculture activity. Any person who wish to start new fresh water aquaculture farms, shall apply to the District Level Committee through the District Fisheries Officer by paying the processing fee. After approval by the District Collector, a provisional registration is given whereupon the activity of excavation/construction/installation is permitted to be started. After the same, the applicant shall apply again for final registration. The District Fisheries Officer shall place the same before the District Level Committee. The final registration will be issued by the District Level Committee only on satisfactory compliance with all the guidelines given in the said order. The final registration alone will enable the applicant to commence and carry on aquaculture activities.

5. In the present cases, the petitioners have already submitted their objection for conversion of the land of respondents 6 and 7 by respondent No.8 for aquaculture activity. Even though respondents 6 to 8 were served, they did not enter their appearance, and in the said circumstances, this Court is not in a position to ascertain whether they have obtained final registration or not. However, respondents 2 to 4 are directed to consider the objections of the petitioners for conversion of agricultural lands belonging to respondents 6 and 7 for aquaculture activity by respondent No.8 at the time of final registration and take appropriate decision after hearing all the parties concerned, if no orders are passed as on today. Respondents 3 to 5 shall see that the conditions mentioned in the provisional registration as well as the procedure mentioned in G.O.Ms.No.7, dated 16.03.2013 is complied with by respondents 6 to 8 as on today and see that respondents 6 to 8 do not violate the same before consideration of application for final registration, if any.

6. The Writ Petitions are, accordingly, disposed of. No order as to costs. Miscellaneous petitions, if any, pending in all the Writ Petitions, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 06.07.2015
TJMR