

IN THE HIGH COURT OF JUDICATURE; AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No.26795 of 2014

BETWEEN

Smt. Pathuri Mohana Sai Sree

Petitioner

..

AND

Governemnt of Andhra Pradesh,
rep.by its Principal Secretary, Animal, Husbandry,
Dairy Development and Fisheries (Fish.II) Department,
Secretariat, Hyderabad,
and 6 others.

..

Respondents

DATE OF JUDGMENT PRONOUNCED: 04.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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| 1. Whether reports of Local newspapers
may be allowed to see the judgments? | YES/NO |
| 2. Whether the copies of judgments may be
marked to Law Reporters/Journals. | YES/NO |
| 3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment ? | YES/NO. |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.26795 of 2014

ORDER:

The petitioner is owner of an extent of Ac.3.10 cents in Survey No.582 of Jalipudi Village, Eluru Mandal, West Godavari District. The seventh respondent is her neighbouring land owner and he owns an

extent of Ac.46.45 cents in Survey Nos.589, 591/1, 592/1, 586 and 583 of Jalipudi village.

He applied for conversion of agricultural land into fishing tanks. The third respondent issued a provisional registration on 11.05.2013. The provisional registration enables the seventh respondent to prepare the land for fish ponds and it will not permit the seventh respondent for undertaking the aquaculture activity. When the seventh respondent was undertaking the aquaculture activity, the petitioner submitted a representation on 04.11.2013 to the third respondent requesting to follow the guidelines issued in G.O.Ms.No.7, Animal Husbandary, Dairy Development and Fisheries (Fish.II) Department, dated 16.03.2013. Pursuant to the said representation, respondents 5 & 6 visited the site on 29.11.2013 and received an undertaking from the seventh respondent that he would not do the aquaculture activity without obtaining prior permission from the third respondent. When the seventh respondent was doing aquaculture activity contrary to the said undertaking, the petitioner submitted another representation on 01.09.2014. When no action was taken, the present writ petition is filed.

This Court, by order dated 25.09.2014 in WPMP No.33493 of 2014 in W.P.No.26795 of 2014, directed the fourth respondent to ensure that the seventh respondent shall not carry on the aquaculture activities unless he obtains final registration, as per G.O.Ms.No.7, dated 16.03.2013.

The seventh respondent filed a counter affidavit stating that he is not aware of the terms and conditions of the G.O.Ms.No.7, dated 16.03.2013. He was under the impression that the provisional registration itself is sufficient for carrying out aquaculture activities and on that impression only, the said activities were undertaken. It is also stated that the fourth respondent issued notice on 19.10.2014 to stop the pisi culture activities unless he obtains final registration. After receipt of the said notice, he sent a reply on 28.10.2014 stating that they stopped the pisi aquaculture activities. He further stated that new crop is in the

middle stage and it takes three months time months for fish harvesting.

It is clear from the above facts, the seventh respondent is carrying on the aquaculture activities without obtaining final registration. The three months time asked for filing counter affidavit in November, 2014, is expired long back.

In the circumstances, the respondents 3 to 6 shall ensure that the seventh respondent shall not undertake any aquaculture activity till he obtains final registration in respect of the land for which provisional registration was granted in his favour. In the meanwhile, the third respondent is directed to consider the representation of the petitioner dated 01.09.2014 registered as complaint No.71396 and communicate the order after consideration of the same to the petitioner, within a period of three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. However, there shall be no order as to costs. The miscellaneous petitions, if any pending in this writ petition, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 04.08.2015

Note: Issue CC in one week.
(B/o.) Isn