

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.21261 of 2015

ORDER:

Heard the learned counsel for petitioners and the learned Government Pleader for Fisheries for respondents.

2. The petitioners are owners of agricultural lands and they converted their agricultural lands as fish ponds during the years 1998-2000 when there were no Government Orders regulating the aquaculture activity. Later on, the petitioners were accorded permissions from the District Level Committee pursuant to G.O.Ms.No.83 dated 12.09.2007 and those permissions expired during the year 2014-2015. It is the case of the petitioners that before the expiry of the permissions, they applied to the second respondent for renewal of their aquaculture activity in terms of G.O.Ms.No.7 dated 16.03.2013. When the respondents are interfering with their activity, the petitioners filed the present Writ Petition.

3. It is submitted by the learned counsel for the petitioners that the petitioners submitted their applications for renewal in the months of October 2013 and September, 2014 and they were not considered, but on the other hand, the respondents are interfering with the aquaculture activity of the petitioners. He further submitted that the Government issued G.O.Ms.No.15, dated 26.05.2015, making amendments to G.O.Ms.No.7 dated 16.03.2013 doing away with the need for any renewal and the petitioners should have the benefit of the same. He also submitted that the respondents should be restrained from interfering with lawful activity of the petitioners.

4. G.O.Ms.No.7 dated 16.03.2013 deals with renewal and the relevant provision of renewal reads as follows:

“B. RENEWAL:

(1) ...

(2) ...

(3) ...

(4) Once a person applies for renewal, even if he applies late (but not later than the last date of the period of registration) he is allowed to continue aquaculture operations during the pendency of his application, until the disposal of his application by renewal or modification or rejection. But if application for renewal is not filed even after the term of registration expires, the District Collector is free to take action against him as per paras 1,2 and 3 under the ‘Violations’ chapter, unless and until he files an application for renewal.”

5. The petitioners submitted their applications for renewal in accordance with G.O.Ms.No.7 dated 16.03.2013 before expiry of their licenses. However, now the said GO is amended by G.O.Ms.No.15, dated 26.05.2015, doing away with the requirements of renewal of license.

6. In the circumstances, the second respondent is directed to consider the applications of the petitioners for renewal, and if the petitioners do not require any renewal by virtue of the amendment made to G.O.Ms.No.7 dated 16.03.2013, they should be informed of the same. The said action shall be completed within a period of 30 days from the date of receipt of a copy of this order. In the meanwhile, the second respondent or any other authority acting under him, shall not interfere with the aquaculture activity of the petitioners without following due process of law.

7. The Writ Petition is, accordingly, allowed to the extent indicated above. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 13.07.2015

Note: Issue CC in one week.

B/o. TJMR