

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38718 OF 2012

ORDER :

This petition is filed for a writ of *Mandamus* directing the respondents to permit the petitioners to continue with the cultivation of aquaculture in their respective lands covered in Survey Nos.168/3 of Brahmayyagarimulla Village, Nagayalanka Mandal, Krishna District.

The case of the petitioners is that originally, the land of the petitioners situated in R.S.No.168/3, in Bramayyagarimulla Village, H/o.Edurumondi Village, Nagayalanka Mandal, Krishna District is a patta land and low lying and it has been converted into fish tanks more than 20 years back; that the vendors of the petitioners have been doing psyculture and that and about two years back, petitioners took the said fish tanks on lease and eking out their livelihood by rearing fish. When the vendors of the petitioners want to sell the property, with great difficulty, petitioners raised money and purchased the same through registered sale deeds. It is also stated that never there was any objection either from the authorities or from the neighboring ryots about existence of fish tanks or carrying psyculture and that in fact on all four sides of their tank, upto about 200 Square Yards there are no lands under cultivation and all the lands around their land were converted into fish tanks long time back. Therefore, the question of seepage of percolation of water into the lands of neighboring ryots does not arise. It is further stated that there are no irrigation facilities to the village to undertake cultivation of the land either to petitioners' land or to the lands of

others in the vicinity and that periodically, they undertake repairs to the tanks for proper maintenance. While so, the 3rd respondent issued notice dated 24.02.2012, stating that the adjacent ryots of the petitioners' lands have raised objections before him and after receipt of the said notice, petitioner met the 3rd respondent and explained that their tanks are old and were dug more than 20 years back and that they are not causing any problem to any one. It is further stated by the petitioners before the 3rd respondent that the Divisional Level Committee had recommended their names for cultivation of aquaculture. The petitioners also filed WP.No.18347 of 2012 before this Court and the same was disposed of directing the petitioners to submit explanation and the respondents to consider the same and pass orders. In pursuance of the same, petitioners submitted their explanation on 30.06.2012, but till now, no orders are passed. The petitioners further submit that one Kanna Chandra Sekhar was given permission to conduct Aquaculture in his land in the same survey number and he is carrying Aquaculture operations without any objections from anybody. Present writ petitioner is filed seeking direction to the respondents to permit the petitioners to cultivate aquaculture in their respective lands covered under Survey No.168/3 of Brahmayyagarimulla village, Nagayalanka Mandal, Krishna District.

Counter is filed by the respondents stating that the subject land is not fit for wet cultivation, that the petitioners were carrying out aquaculture activity without obtaining any permission from the competent authority, and that basing on the complaints made by the adjacent ryots, notice was issued to the petitioners, but, petitioners have not obtained any permission for

carrying out Aquaculture activities.

It is to be seen that the petitioners cannot carry on aquaculture activities without obtaining necessary permission from the competent authority. Counter of the 3rd respondent also states that the petitioners have not obtained any permission and the writ affidavit also does not indicate that the petitioners have obtained any permission. In view of the same, no *Mandamus* can be granted directing the respondents to permit the petitioners to do aquaculture. However, it is open for the petitioners to make necessary application for grant of permission for carrying out Aquaculture activities and on such application, the competent authority shall dispose of the same in accordance with law.

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

23.04.2016

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