

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

Contempt Case No.1989 of 2015

Dated 11th March, 2016

Between:

Patakula Rangarao and another

...Petitioners

And

A.Babu and others

...Respondents

Counsel for the petitioners: Sri T.V.V.Koteswara Rao

Counsel for respondent Nos.1 & 2: GP for Revenue (AP)

Counsel for respondent No.3: GP for Fisheries (AP)

Counsel for respondent No.4: Sri Rambabu K.

The Court made the following:

ORDER:

This contempt case is filed alleging wilful disobedience of order, dated 17.12.2014, in WP.No.38795 of 2014.

In pursuance of the notice issued in Form-I, respondent No.3 is personally present. He has also filed an additional counter affidavit, wherein he has *inter alia* stated that in pursuance of the directions secured by respondent No.4 in WP.MP.No.26719 of 2014 in WP.No.21303 of 2014, he was permitted to raise fish tank bund and that after the disposal of WP.No.38795 of 2014, respondent No.3 has issued notice to respondent No.4 on 06.01.2015 not to carry on aqua culture operations over the land. He has further stated that the Village

Revenue Assistant of Polukonda Village is appointed by the revenue authorities of Nandivada Mandal to watch the tank and see that the same is not filled with water. Respondent No.3 has submitted that in view of the pendency of WP.No.21303 of 2014, the application of respondent No.4 for grant of permission for carrying on aqua culture is not being disposed of.

The learned counsel for respondent No.4 submitted that the main prayer of WP.No.21303 of 2014 filed by his client is to declare the action of the respondents therein in not granting final registration for carrying on aqua culture operations and that even in the interim order, dated 30.07.2014, in WP.MP.No.26719 of 2014, this Court has directed respondent No.3 to dispose of the application filed by respondent No.4 herein.

In the light of the above facts, this Court is unable to appreciate the stand taken by respondent No.3 that in view of the pendency of WP.No.21303 of 2014, the application of respondent No.4 could not be considered and disposed of. On realising the fallacy in his stand, respondent No.3 has undertaken that he will ensure that the District Level Committee disposes of the application of respondent No.4 in accordance with law as early as possible and not later than four weeks from today. The learned counsel for respondent No.4 submitted that his client is not carrying on aqua culture operations presently in view of the order of this Court.

In the light of the above facts and circumstances of the case, the contempt case is closed with liberty to the petitioners to avail a fresh remedy in the event the application of respondent No.4 is not disposed of in accordance with law within a period of four weeks and if respondent No.4 resumes aqua culture activity over the disputed tank till his application is appropriately disposed of by the District Level Committee.

Respondent No.3 is discharged from contempt proceedings.

C.V.NAGARJUNA REDDY, J

11th March, 2016
VGB