

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

[Special Original Jurisdiction]

WEDNESDAY THE TWENTYSEVENTH DAY OF APRIL, 2016

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 3665 OF 2009

Between:

Gopotula Govindu ... Petitioner

V/s.

The State of Andhra Pradesh
Rep. by Dy. Director, Fisheries,
Fisheries Department, Machilipatnam,
Krishna district & Ors. ... Respondents

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

Counsel for the Respondents: GP for Revenue
Sri V.V. Prabhakara Rao
GP for Fisheries

The court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 3665 OF 2009

ORDER :

The petitioner complains against the action of Respondent No.5 in digging fresh water Acqua/Fish culture farm in Ac:4-39 in R.S.Nos.265/1-A, 268/1, 268/2-A1, 269/2-A of Kanukollu village, Mandavalli Mandal, Krishna district, without there being any written permission from Respondents 1 and 2 as illegal, arbitrary, violative of principles of natural justice and for consequential direction to Respondents 1 to 3 to restrain Respondent No.5 from digging up fresh water acqua culture farms in R.S.Nos.265/1-A, 268/1, 268/2-A1, 269/2-A, 140/5 of Kanukollu village, Mandavalli Mandal, Krishna district.

2. At the time of hearing, learned counsel appearing for the parties submit that with the dismissal of WP.No. 24762 of 2008 the hurdle prevailing for taking any action for respondents 1 to 7 is raised and the grievance of the petitioner is required to be considered.

Sri V.V. Prabhakara Rao appearing for Respondents 8 and 9 submits that his clients have applied under G.O.Ms.No.7, Animal Husbandry, Dairy Development and

Fisheries [Fish-II] Department, dated 16/3/2013. Having regard to these developments, this Court is of the view that the present writ petition can be disposed of by directing Respondents 1 to 7 to take note of the objections of the petitioner while considering and disposing representations filed by Respondents 8 and 9 in terms of G.O.Ms.No.7 dated 16/3/2013 positively within a period of two months from the date of receipt of a copy of this order.

3. Having regard to the fact that merely five years have expired from the date of filing of the writ petition till date, the petitioner is given liberty to make fresh representation to impress upon the authorities on the continuation or otherwise of fish tanks by reference to the soil condition as on date.

4. Writ Petition is disposed of with the above observation.

No costs.

5. As a sequel, miscellaneous petitions if any, pending in this Writ Petition shall stand closed.

JUSTICE S.V. BHATT

27/4/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

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