

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

WRIT PETITION NO.37439 OF 2015

DATED:18-03-2016

Between:

Smt. Pathri Mohana Sai Sree
and another ... Petitioners

And

State of Andhra Pradesh
Rep. by its Principal Secretary
Animal Husbandry,
Dairy Development and Fisheries (Fish.II) Department
Secretariat
Hyderabad
and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. Gaddam Srinivas

COUNSEL FOR RESPONDENT NOs.1 to 4: G.P. for Fisheries (AP)
COUNSEL FOR RESPONDENT NOs.5 and 6: G.P. for Revenue (AP)
COUNSEL FOR RESPONDENT NO.7 -

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for the following relief:

“...to issue a writ of mandamus declaring the action of the respondents 2 to 6 in not implementing the proceedings Memo No.258/A3/2015 of the fourth respondent dt.01.04.2015, as illegal, arbitrary and violation of G.O. Ms. No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dt.16.3.2013 and consequently direct the respondents 2 to 6 to implement the proceedings vide Memo No.258/A3/2015, dated 1.4.2015 and to demolish the fish tanks forthwith.”

On 11.3.2016, this Court has passed the following order.

“Mr. V. Thirupathaiah, Fisheries Development Officer, Eluru, and Mr. V.S. Ramanjaneyulu, former Tahsildar, Eluru – respondent No.6 are personally present in the Court.

Respondent No.6 has filed a sworn affidavit wherein he has stated that respondent No.4 has issued a notice to respondent No.7 informing that the subject fish tank will be dismantled on 22.2.2016. Following the said notice, the bund of the tank was destroyed rendering the tank unfit for fish culture. Respondent No.6 has further stated that himself and respondent No.4 issued a notice on 29.2.2016 to respondent No.7 instructing him not to restore the bunds and not to take up any fish culture activity in the tank, that the Revenue Department/Fisheries Department are keeping vigil on the fish tank and that action will be initiated against respondent No.7, if he tries to resume fish culture activity in the fish tank. In support of these averments, respondent No.6 and the Fisheries Development Officer, Eluru, have filed enlarged photographs of the fish tank showing that the bund has been dismantled to a considerable width and water from the tank is let out to disable respondent No.7 from carrying on fish culture.

In the light of the above measures taken by respondent Nos.4 and 6, the presence of the Fisheries Development Officer and respondent No.6 is dispensed with for the time being.

Post the writ petition for orders on 18.03.2016.”

Mr. Gaddam Srinivas, learned counsel for the petitioners, submitted that having regard to the steps taken by respondent No.6, the writ petition may be closed.

Accordingly, the writ petition is disposed of as infructuous.

As a sequel to disposal of the writ petition, W.P.M.P. No.48174 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

18.03.2016

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