

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.34531 OF 2016

ORDER:

Heard Sri K.L.N.Swamy, the learned counsel for the petitioners, the learned Assistant Government Pleader for Fisheries representing respondent Nos.1 to 3 and the learned Government Pleader for Revenue representing respondent No.4.

2. It is the case of the petitioners that the first petitioner owns agricultural land to an extent of 0.54 cents in R.S.No.354/A and 0.25 cents in R.S.No.354/5A, the second petitioner owns an extent of 0.66 cents in Survey No.354/1A/AA2 and the third petitioner owns an extent of 0.58 cents in Survey No.354/2, 0.24 cents in Survey No.354/1A/AA and 0.06 cents in Survey No.354/A/AA1 of Betapudi Village, Bhimavaram Mandal, West Godavari District. It is the further case of the petitioners that the fifth respondent is owning agricultural land to an extent of Ac.4.22 cents in Survey Nos.353/1A and 353/2A in the same village. The case of the petitioners is that the fifth respondent is taking steps to convert the agricultural land into fish tanks without obtaining necessary permission from the competent authority.

3. The learned Assistant Government Pleader, on instructions, submitted that the District Level Committee granted provisional permission to the fifth respondent on 25.07.2016 for conversion of agricultural land into fresh water tank in an extent of Ac.4.27 cents.

4. A perusal of the record reveals that the petitioners submitted a representation to the second respondent on 08.08.2016. For one

reason or other, the second respondent has not disposed of the said representation.

5. At the time of arguments, the only relief sought for by the learned counsel for the petitioners is to direct the second respondent to consider the representation of the petitioners before granting of final permission to the fifth respondent. The learned Assistant Government Pleader also consented for the same.

6. In view of the submissions made by the learned counsel for both parties, this Court is not inclined to go into the merits of the main case.

7. Having regard to the facts and circumstances of the case and also the submissions made by the learned counsel for both parties, the second respondent is hereby directed to consider the representation of the petitioners dated 08.08.2016 and pass appropriate orders in the light of G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dated 16.03.2013 and also G.O.Ms.No.15, Animal Husbandry, Dairy Development and Fisheries (Fish) Department, dated 26.05.2015, before granting of final permission to the fifth respondent.

8. With the above direction, the Writ Petition is disposed of. No costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 14.10.2016

Note: Issue CC in one week
(B/o). Ivd