

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.24010 OF 2016

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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of respondent Nos.2 to 4 in interfering with the enjoyment of the fresh water aquaculture farms in an extent of Ac.7.49 cents in Survey Nos.1/11B-F, 1/11B-C, 1/11B-G and 1/11B-H of Pulla Village, Bhimadolu Mandal of West Godavari District pursuant to the certificate of provisional registration dated 21.09.2015 issued by the second respondent as illegal, arbitrary and violative of principles of natural justice and consequently to direct the respondents not to interfere with the said tanks pursuant to the show-cause notice issued by the third respondent dated 29.06.2016.

Heard the learned counsel for the petitioners, the learned Government Pleader for Animal Husbandry and the learned Government Pleader for Fisheries.

A perusal of the record reveals that the concerned authorities granted permission to the petitioners to convert the agricultural lands into fresh water aquaculture on 21.09.2015. On 29.06.2016, the third respondent issued a show-cause notice calling for the explanation of the first petitioner and he submitted explanation on 13.07.2016. A perusal of the record reveals that respondent No.5 filed O.S.No.5 of 2016 on the file of the Principal Senior Civil Judge, West Godavari District, Eluru against the petitioners and the official respondents seeking perpetual injunction. The learned counsel for the petitioners submitted that no interim order was passed in O.S.No.5 of 2016.

The grievance of the petitioners is that the third respondent is not disposing of the representation dated 13.07.2016. Whether the petitioners have followed the procedure as contemplated under

G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dated 16.03.2013 or not is purely a disputed question of fact which cannot be gone into while exercising the jurisdiction under Article 226 of the Constitution of India.

Having regard to the submissions made by learned counsel for both parties, the third respondent is hereby directed to dispose of the representation of the first petitioner dated 13.07.2016 in accordance with law, after affording a reasonable opportunity to him. The third respondent is also hereby directed not to take any coercive steps till disposal of the said representation.

Accordingly, the Writ Petition is disposed of. No costs.

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

T.SUNIL CHOWDARY, J

Date: 25.07.2016

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