

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.16217 of 2011

ORDER:

The petitioner prays for Mandamus declaring the action of respondents in interfering with the setting up of fresh water fish pond in Sy.Nos.486/2, 487/2, 488/1, 489/3 and 490/4 in an extent of Ac.8-24 cents situated at Padamara Vipparu Village, Pentapadu Mandal, West Godavari District, without passing orders on application dated 16-05-2010 as illegal and contrary to G.O.Ms.No.18, Animal Husbandry, Dairy Development and Fisheries (F II) Department, dated 26-03-2008.

From the prayer, it is evident that the petitioner is complaining firstly against inaction in disposing of application dated 16-05-2010 and secondly in preventing the petitioner from setting up of fresh water fish pond in survey numbers, referred to above, as illegal and unconstitutional.

After perusing the stand taken by the respondents in the counter affidavit and also having regard to Government Orders in G.O.Ms.No.7, dated 16-03-2013 and G.O.Ms.No.15, dated 26-05-2015, Sri G.Tuhin Kumar, requests the court to permit the petitioner to make application in accordance with the applicable Government orders and the authorities may be directed to consider and pass appropriate orders within a stipulated period.

The request of learned counsel is accepted.

The petitioner is given four weeks time from the date of receipt of a copy of this order to apply for grant of permission under extant Government orders by enclosing a copy of this order and as and when such application is made, the authorities are directed to consider and pass orders in accordance with law, within three months from the date

of receipt of such application.

As the activity of petitioner is found to be *prima facie* contrary to more than one Government order, it is made clear that the interim order granted on 15-06-2011 is recalled and the petitioner can start the activity after obtaining necessary permission from the authorities concerned.

The writ petition is disposed of as indicated above. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 11-04-2016

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Dated 11-04-2016

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