

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.31432 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the respondent Nos.2 to 6 in permitting respondent Nos.7 and 8 for converting the agricultural lands into Fish Tanks by closing the existing field channel as illegal and arbitrary.

2. Heard learned counsel for the petitioners, learned Assistant Government Pleader for Fisheries (Andhra Pradesh) and learned Government Pleader for Revenue (Andhra Pradesh).

3. It is the case of the petitioners that they are the owner of an extent of Ac.0.79 cents in survey No.539-5B, Acs.4.96 cents in survey No.540-1A, Ac.0.08 cents in survey No.720-1 situated in Moturu Village, Gudivada Mandal, Krishna District. It is the further case of the petitioners that second respondent has granted provisional permission to respondent Nos.7 and 8 for conversion of their agricultural lands in survey Nos.558/2631, 2638, 1630/2, 615/1 and 616/1 situated in Moturu Village, into fish tanks. There is a field channel, which is popularly known as '*Polaraju Subsidiary Drain*', on the eastern side of the lands of respondent Nos.7 and 8. The field channel is situated underneath a railway track and the unused water from the agricultural lands of petitioners and others will flow through that channel. The grievance of the petitioners is that respondent Nos.7 and 8 have closed the field channel, which is causing serious damage to the agricultural lands of the petitioners and other neighbouring land owners due to stagnation of water in their fields. Feeling aggrieved

by the acts of respondent Nos.7 and 8, the petitioners made representation dated 25.7.2016 to the third respondent with a request to restore the field channel or to provide alternative channel connecting to '*Polaraju Subsidiary Drain*'. For one reason or the other, the third respondent has not disposed of the representation dated 25.7.2016.

4. At the time of the arguments, the only relief sought by the learned counsel for the petitioners is that the third respondent may be directed to dispose of the petitioners' representation dated 25.7.2016 as early as possible. The learned Assistant Government Pleader also consented for disposal of the representation.

5. Having regard to the facts and circumstances of the case and also the submissions made by learned counsel for both the parties, the third respondent is hereby directed to dispose of the representation of the petitioners dated 25.7.2016, in the light of G.O. Ms. No.7, Animal Husbandry, Dairy Development and Fisheries (F.II) Department, dated 16.3.2013, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

T.SUNIL CHOWDARY, J

September 17, 2016.
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