

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.23621 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.1 to 6 in allowing the unofficial respondent Nos.7 and 8 to convert their agriculture lands as fish tank in R.S.Nos.1240 and 1241 in Guravayapalem Revenue Village, Kalidindi Mandal, Krishna District without permission from the second respondent as illegal, arbitrary, contrary to law and violation of G.O.Ms.No.7 dated 16.03.2013 of the first respondent and further direct respondent Nos.1 to 6 to consider the representation dated 15.07.2016 of the petitioner in the light of G.O.Ms.No.7 dated 16.03.2013.

Heard the learned counsel for the petitioner, the learned Government Pleader for Fisheries and the learned Government Pleader for Revenue.

The case of the petitioner is that she is owning agriculture lands to an extent of Ac.1.38 cents in R.S.No.1239-3D and Ac.0.12 cents in R.S.No.1240 total extent of Ac.1.50 cents in Guravayapalem Revenue Village, Kalidindi Mandal. The petitioner has been cultivating her lands by raising paddy crop. The contention of the petitioner is that respondent Nos.7 and 8, who are the neighbouring owners, are trying to convert their agriculture lands into fresh water aquaculture ponds. To substantiate the same, the petitioner filed the photos. A perusal of the photos reveals that respondent Nos.7 and 8 made an attempt for conversion of the land. If respondent Nos.7 and 8 are permitted to convert the agricultural lands into fresh water aquaculture ponds, the same will affect the lands of the petitioner. It may not be possible for the petitioner to raise the paddy crop in her land. It appears that respondent Nos.7 and 8 without obtaining necessary permission from the concerned authorities, are converting the

land.

The learned Government Pleader submitted that the respondent officials have already initiated action against respondent Nos.7 and 8 for digging the land without obtaining permission.

A perusal of G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dated 16.03.2013 issued by the Government of Andhra Pradesh clearly demonstrates that a District Level Committee was constituted under the Chairmanship of the District Collector to grant permissions to the ryots. For better appreciation, it is not out of place to extract Clauses 7.2 and 7.29 of the said G.O., which is as follows:

“7.2 Fertile agriculture lands shall not be permitted for conversion into fresh water aquaculture ponds except in cases where agriculture lands are less productive, fallow, low lying, prone to water logging, etc.

7.29 Objections of the neighbouring agriculture lands/adjacent land holders shall be called for by publishing a notice of 15 days in the Notice Board of the District Fisheries Officer and then any objections received will be considered and disposed off by the District Level Committee before registration.”

A perusal of the above two clauses clearly demonstrates that respondent Nos.7 and 8 are not entitled to convert the agricultural lands without calling for the objections of the neighbouring land owners. The contention of the petitioner is that she is neighbouring owner of respondent Nos.7 and 8, who are trying to convert their lands into fresh water aquaculture.

The learned Government Pleader, on instructions, submitted that respondent Nos.7 and 8 have not obtained any permission from the District Level Committee.

The learned counsel for the petitioner submitted that the petitioner

submitted a representation to the third respondent and the third respondent may be directed to consider the representation of the petitioner in the light of G.O.Ms.No.7, dated 16.03.2013.

Having regard to the facts and circumstances of the case, the third respondent is hereby directed to dispose of the representation of the petitioner dated 15.07.2016 in the light of the G.O.Ms.No.7, dated 16.03.2013 in accordance with law, as expeditiously as possible, preferably within a period of one (1) month from the date of receipt of a copy of this order. The third respondent is also hereby directed not to permit respondent Nos.7 and 8 to convert the lands without obtaining necessary permission from the concerned authority.

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

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

Date: 22.07.2016
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T.SUNIL CHOWDARY, J