

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.30547 & 23676 OF 2017

COMMON ORDER

These two writ petitions are being disposed of by this common order as they relate to aqua culture activity undertaken by the petitioners in W.P.No.30547 of 2017, who are arrayed as respondents in W.P.No.23676 of 2017.

The petitioners in both the writ petitions are neighbours. It is an admitted case that the petitioners in W.P.No.30547 of 2017 have undertaken the aqua culture activity since 2008 and after issuance of G.O.Ms.No.7 and 15, no permission was obtained by them. In those circumstances, being neighbours, the petitioners filed W.P.No.23676 of 2017 and this Court by order dated 25.7.2017 directed the official respondents not to allow either unofficial respondents 8 and 9 or anybody to cultivate any fish without provisional permission and without hearing the objections of the petitioners.

It appears that the said writ petition was filed when the authorities have not taken any action pursuant to the order dated 27.4.2016 passed in W.P.No.29954 of 2011.

Now, pursuant to the order dated 25.7.2017, when the proceedings were issued by the Assistant Director of Fisheries on 10.8.2017 asking the petitioners to remove the fish from the

tank and close the same within one week, they filed W.P.No.30547 of 2017.

There is no dispute that the petitioners in W.P.No.30547 of 2017 applied for permission and the same was rejected by order dated 11.11.2016, which was communicated to them on 24.11.2016. In spite of the same, the petitioners continued their activity. In those circumstances only, the impugned proceedings dated 10.8.2017 were issued. The petitioners submitted a representation on 12.8.2017 asking the Assistant Director of Fishers to treat their reply as a fresh representation and sought direction to the Mandal Revenue Officer, Mandavalli, to re-conduct the survey and consider their representation positively. The petitioners stated that they reconstructed the fish pond by maintaining 3 meters distance from fresh water aqua culture to agriculture lands strictly in accordance with G.O.Ms.No.7, dated 16.3.2013 and submitted a fresh application on 12.8.2017.

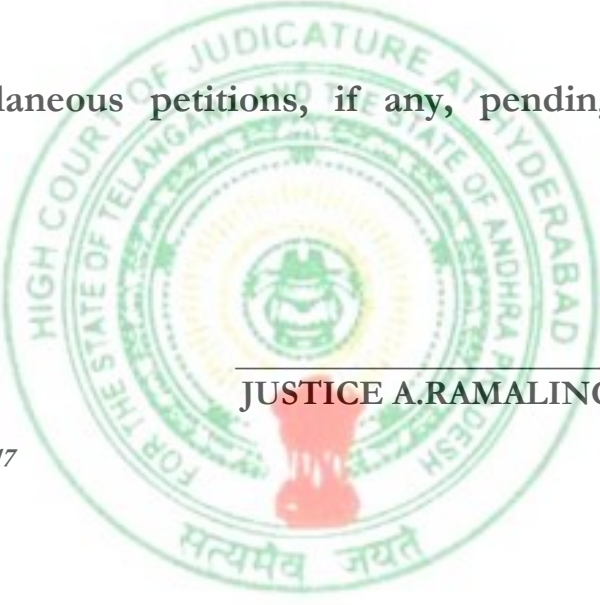
In view of the above facts and in view of existing fish in the pond, the petitioners are given 15 days time from the date of receipt of a copy of this order to remove the fish and not to undertake any further activity in the pond till proper permission is obtained by them. The respondents are directed to consider the application of the petitioners and also issue

appropriate notice to the petitioners in W.P.No.23676 of 2017 and consider their objections, within two months from the date of receipt of a copy of this order and pass appropriate orders in accordance with law. Till such time, the respondents shall see that no fishing activity is undertaken in the aqua pond already developed by the petitioners in W.P.No.30547 of 2017. However, the said pond shall not be demolished.

Accordingly, both the Writ Petition are disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

14th September, 2017
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JUSTICE A.RAMALINGESWARA RAO