

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.23180 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“..to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in granting permission in favour of 4 to 5 respondents to convert fertile agricultural land into aquaculture and in not considering the petitioner's objections dated 6.7.2017 against digging of fish tank is illegal and arbitrary and to consequently direct the 2nd respondent to cancel the registration certificate dated 3.2.2017 issued in favour of 4 to 6 respondents and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner and learned Government Pleader for Fisheries appearing for respondents 1 to 3, before ordering notice to unofficial respondents 4 to 6 and perused the prayer in the writ petition with supporting affidavit and other material on record including written instructions dated 19.07.2017.

In the affidavit filed in support of the writ petition, it is stated that the respondent Authorities are allowing the unofficial respondents 4 to 6 to dig fish tanks in the cultivable zone, destroying the use and utility of the neighbouring paddy fields from the seepage of water from the tanks that will percolate otherwise and they are being the affected parties, despite they submitted their objections through registered post on 06.07.2017, even not considering by the respondent Authorities.

It is the submission of learned Government Pleader for Fisheries from the written instructions that there was already a provisional permission granted, pursuant to which the beneficiaries of the provisional permission, who are respondents 4 to 6 can dig the tank, but, they cannot sow or cultivate fish or prawn, as the case may be and they have not applied for grant of final permission till date.

Having regard to the above, instead of keeping the writ petition pending, the same can be disposed of by permitting the petitioner to submit a fresh representation within one week from the date of receipt of copy of this order and the official respondents 2 and 3, who are also members of the District Level Committee shall consider the same and after hearing respondents 4 to 6 also shall pass appropriate orders, before granting any final permission to respondents 4 to 6. If the petitioner has any further grievance, she can agitate the same in accordance with law.

Accordingly, the Writ Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Dr. B. SIVA SANKARA RAO, J

Date:20-07-2017

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