

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.23259 OF 2017

ORDER:

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

“to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the Respondent No. 1 to 5 without considering the Petitioner's Representation dated 12-6-2017 vide Reference No 20172-7595830 and Petitioner's Representation dated 30-6-2017 for granting the provisional registration certificate bearing No PFR011700023994, PFR011700024004, PFR011700024002, PFR011700023709, PFR011700023706 and other provisional registration certificates' for fresh water Aqua Culture farm in agriculture lands bearing Survey No.5-1,4,5,6,7,5-91A,59-1B,5-2,5-3,61/1B 61/2, 61/3, and 62/1, 62/2, and 6114, and other survey numbers of Moyyuru village situated at Moyyuru village, Ganapavaram Mandal West Godavari District,A.P to the respondent No 7 to 24 under provision registration certificate dated 18-06-2017 and 19-6-2017 in violation of G.O.MS No 7 dated 16-3-2013 and G.O.MS No 15 dated 26-05-2015, is questioned in this writ petition as being arbitrary, illegal and violation of Article 14, 19 (1) (g), 21 and 300-A of the Constitution of India. Consequently direct the Respondents 1 to 5 to cancel provisional registration certificate bearing No PFR011700023994, PFR011700024004, PFR011700024002, PFR011700023709, PFR011700023706 and other provisional registration certificates issued for fresh water Aqua Culture farm in agriculture lands bearing Survey No.5-1,4,5,6,7,5-91A,59-113,5-2,5-3,61/1B 61/2, 61/3, and 62/1, 62/2, and 61/4, and other survey numbers of Moyyuru village situated at Moyyuru village, Ganapavaram Mandal West Godavari District,A.P to the respondent No 7 to 24 under provision

registration certificate dated 18-06-2017 and 19-6-2017 in the interest of justice.”

2. Heard learned counsel for the petitioners and also the learned Government Pleader for Fisheries with written instructions submitted on behalf of respondents 1 to 6 before ordering notice to the unofficial respondents 7 to 24 and perused the prayer in the writ petition with supporting affidavit and also the written instructions of respondents 1 to 6 supra.

3. The grievance in support of the said prayer from the affidavit of the 2nd petitioner is that despite objections raised impugning to the provisional permission, those are kept in cold storage and not attending and the respondents 1 to 6 are contemplating to accord final permission, ignoring the objections of the petitioners, in favour of the unofficial respondents 7 to 24.

4. As per the written instructions, only provisional permission is accorded and the objections are going to be considered by the District Level Committee before according final permission if any.

5. Having regard to the above, this writ petition itself is disposed of, directing the petitioners to give fresh representation within one week from date of receipt of the order and the respondents shall hear including by giving notice to the un-official respondents 7 to 24 and pass

appropriate orders within six weeks thereafter through the District Level Committee concerned as the case may be. It is made clear that in the meantime neither respondents 1 to 5 shall allow nor respondents 7 to 24 shall sow any seed of any fish or prawn and cultivate, but for digging of the tanks if any at their risk from the provisional permission.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

17.07.2017

*Note: issue C.C. in two days.
B/o.SS*

DR.B.SIVA SANKARA RAO, J

