

WRIT PETITION No.19169 of 2017

ORDER :

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

“ to issue an order or direction or a writ more particularly in the nature of WRIT OF MANDAMUS declaring the action of the Respondents allowing the 6th Respondent to dig fish tank in an extent of Ac.8.03 cts. covered by Sy.Nos.333 & 333/ 1 of Mudanuru Village, Penapadu Mandal, West Godavari District, pursuant to Provisional Registration No.PRF011200022798 Dt.30-03-2017 without disposing petitioner objections dt.29-05-2017 as highly illegal, arbitrary, capricious as the same is obtained by misrepresentation and without following due process of law and consequently to cancel the provisional Registration No.PRF011200022798 Dt.30-03-2017 and pass such other order or orders as deemed fit by this Hon'ble Court...”

Heard the learned counsel for the petitioner and the learned Government Pleaders for Fisheries and Revenue for respondents 1 to 5, before ordering notice to the 6th respondent and perused the prayer and affidavit filed in support of the writ petition along with material.

It is the case of the petitioner that he filed written objections on 29.05.2017, which is covered by the acknowledgement of the 2nd respondent-District Collector-cum-Chairman, on the even date through online under the portal 'mee-seva' and even subsequent representation in the same lines to the Fisheries Department representing respondents 3 and 4 and despite without considering the objection, that too, even the 6th respondent shown wrong boundaries of his property as if is eastern boundary land belongs to one K.Suryanarayana though it is the petitioner's land that is the eastern boundary and he is being effected, if allowed to dig any tank and any fish or prawn cultivation.

When the matter is taken up, the written instructions dated 13.06.2017 furnished by the Joint Director of Fisheries, West Godavari, have been placed on record by the learned Government Pleader for Fisheries, which read as under:

“ There is no such procedure of obtaining NOC (No Objection Certificate) from adjacent farmers in the guidelines stipulated in the G.O.Ms.No.15 AHDDF (FISH-ii) Dept. Dt.26.05.2013 & G.O.Ms.No.7 AHDDF (FISH-ii) Dept. Dt.16.03.2013.

The 6th non-official respondent has applied for conversion of agricultural land through MEESEVA online service on 07.05.2017 and provisional permission was granted by the recommendation of Mandal Level Committee to District Level Committee through vide PFF011200022798 dated 26.05.2017 for an extent of Ac.05.38cts in the R.s.No.333 & 333/1 of Mudunuru Village, Pentapadu mandal.

The petitioner's contention here was purely inappropriate and with a personal intention petitioner is misleading the Hon'ble High Court the mentioned extent and provisional permission granted date was wrong it is fact that the 6th non-official respondent has dug the fish tank and according to the guidelines stipulated in the G.O.Ms.No.7 AHDDF (FISH-ii) Dept. Dt.16.03.2013 & G.O.Ms.No.15 AHDDF (FISH-ii) Dept. Dt.26.05.2013 the 6th non-official respondent is not eligible to do the fish culture until and unless the 6th non-official respondent was purely a temporary one and the final permission may be granted by strictly following the guidelines stipulated in the G.O.Ms.No.7 AHDDF (FISH-ii) Dept. Dt.16.03.2013 & G.O.Ms.No.15 AHDDF (FISH-ii) Dept. Dt.26.05.2013.

In the view of the above circumstances it is observed that there are no merits in this writ petition and it is purely filed by an wrong intentions.”

The submissions of the learned Government Pleader for Fisheries is that notice affixed in the Panchayat for no personal notice contemplated and the petitioner not filed any objections. It is not tenable because he sent representations online referred supra that shall be considered.

In view of the same, to avoid any controversy, the petitioner is directed to submit fresh written representation to the respondents, within three days from the date of receipt of copy of this order, who in turn shall dispose of the same on merits within a period of four weeks thereafter. Till then, the respondents are directed not to allow the 6th respondent to dig any tank for cultivation of fish or prawn, as the case may be.

With the above directions, this Writ Petition is disposed of at the stage of admission. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:15.06.2017
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