

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.9800 OF 2017

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader on behalf of the respondents.

This writ petition is filed seeking a direction to the respondents 2 to 4 to provide necessary police protection to the petitioners for formation of fish tank in their land admeasuring Acs.12.11 cents in R.S.No.482/5, Bandar East Village, Machilipatnam Mandal, Krishna District in accordance with the permission granted by the District Collector on 23.02.2016 for formation of fish tank.

The learned Government Pleader received written instructions admitting that the petitioners are the owners of the lands and they have converted their agricultural lands into aqua culture fish tanks, after taking necessary permission from the District Level Committee headed by the District Collector vide proceedings dated 23.02.2106. When the digging activity was undertaken by the petitioners, the owners, who lost their lands for default of payment to the bank, obstructed the petitioners from digging the fish tanks. In those circumstances, the petitioners lodged complaint on 22.02.2017 and the same was registered as crime No.18 of 2017 on 19.02.2017. Thereafter investigation was commenced and five accused were arrested. They were later on enlarged on bail. The investigation is not yet completed. However, it is stated that the petitioners have not made any representation after registration of the case seeking police protection at the time of digging the fish tanks.

A perusal of the complaint itself shows that it is the composite complaint against the interference as well as protection to their life and machinery and the fifth respondent has received the complaint on 22.02.2017 and registered the crime. As a consequence thereof, he

should have provided necessary police protection preventing unlawful interference by the accused in the said crime.

In the circumstances, the fifth respondent is directed to provide police protection to the petitioners while undertaking the digging activity pursuant to the orders of the District Collector, dated 23.02.2016, without therebeing any need for further representation. It is needless to observe that the petitioners shall intimate the date to the fifth respondent while undertaking digging activity in order to enable the fifth respondent to provide necessary police protection.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions, if any pending, shall stand closed.

13.04.2017

Note: Issue order copy by 17.04.2017.
(By order)
pln

A.RAMALINGESWARA RAO, J

