

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.18901 OF 2016

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader and learned counsel appearing for the respondents 7 to 12.

The petitioners claim that they are having land of an extent of Acs.11.67 cents of agricultural land in survey Nos. 218/1, 219/1, 219/2, 219/3 and 219/4 in Chinalingala Village, Nandivada Mandal, Krishna District. Since there was no income from the said lands, they wanted to convert the lands as fish tanks. They have applied for permission to the District Level Committee, who granted provisional permission on 11.05.2016. When they wanted to dig the fish tank on 10.06.2016, the respondents 7 to 12 stopped them. In those circumstances, when they approached the police and the police did not take any action, the present writ petition was filed.

The sixth respondent filed a counter affidavit stating that on the complaint of the first petitioner, dated 18.06.2016, crime No.61 of 2016 was registered on the same day against the respondents 7 to 12 and a charge sheet was filed on 21.11.2016 before the Additional Judicial First Class Magistrate, Gudivada and the same is pending trial in C.C.No.892 of 2016. So far, the petitioners have not submitted any representation seeking police aid. In view of the same, they stated that it is wrong to allege that they have not taken any action.

The learned counsel appearing for the respondents 7 to 12 submits that the permission granted to the petitioners is in violation of the Rules and the petitioners shall not be permitted to dig the fish tanks. But, he does not challenge the issuance of the provisional permission in favour of the petitioners. So long as there is provisional permission granted by the competent authority, the petitioners are entitled to take up the activity of digging fish tanks subject to the conditions mentioned therein. If there is any

threat from any quarter, it is open to the petitioners to lodge a complaint and seek police aid and on receipt of the same, the fifth respondent shall consider the same and take appropriate action in accordance with law.

The writ petition is accordingly disposed of. Miscellaneous petitions, if any pending, in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

04.04.2017
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