

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition Nos. 37224 of 2016 and 9438 of 2017

Common Order:

These two Writ Petitions are being disposed of by this common order, as they relate to the same land where the fish tank is sought to be developed.

W.P.No.37224 of 2016 was filed by the objectors to the provisional registration granted to the fifth respondent therein in respect of the land of an extent of Ac.6.00 with water spread area of Ac.4.80 cents situated in Survey Nos.39/4C, 39/6A, 39/4D, 39/6B, 39/3A2/1, 40/1, 40/2A and 237/3 of Gudala village, Allavaram Mandal, East Godavari District. The provisional registration was granted to the fifth respondent under G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dated 16.03.2013, in May 2016 pursuant to District Level Committee (DLC) resolution dated 23.05.2016. The case of the objectors is that the land is situated in the middle of the village and it is causing pollution to the residents of the houses.

Now, the fifth respondent applied for final registration to the District Level Committee and when the application is not being considered, he filed W.P.No.9438 of 2017. In the meanwhile, it appears that the objectors filed an appeal before the second respondent, Commissioner of Fisheries, Government of Andhra Pradesh, Vijayawada, Krishna District, challenging the grant of provisional registration in favour of the fifth respondent and the same is pending. But, the competent authority is the third respondent, Collector and Chairperson, Fresh Water Aqua Culture District Level Committee, East Godavari District, to regulate the activity

relating to fish ponds as per G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dated 16.03.2013.

Since the application of the fifth respondent is pending before the third respondent, the third respondent shall consider the objections raised by the petitioners in W.P.No.37224 of 2016 and also the application of the petitioner in W.P.No.9438 of 2017, who is the fifth respondent in W.P.No.37224 of 2016, with regard to grant of final registration. If the third respondent, on the basis of the objections filed by the petitioners, comes to the conclusion that even the provisional registration itself is invalid it is open to him to pass appropriate orders in accordance with law after issuing notice to the fifth respondent. Since the entire matter is before the third respondent, it is for the third respondent to take a comprehensive view on the objections filed by the petitioners in W.P.No.37224 of 2016 and the application for final registration filed by the fifth respondent. As the matter is relegated to the third respondent, it is held that the appeal before the second respondent is infructuous and no steps need be taken therein. The third respondent shall take appropriate action after hearing all the parties within a period of three (3) months from the date of receipt of a copy of this order.

Both the Writ Petitions are, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in these Writ Petitions, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 12.09.2017
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