

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.23224 of 2017

ORDER :

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

“..to issue a writ or direction more particularly one in the nature of writ of Mandamus under article 226 of the constitution of India declaring the action of the respondent No.2 to 7 in not taking action on the illegal aqua cultural operations being carried out by the respondents No.8 to 11 in an extent of Ac.10.78 cents in Sy.Nos.182, 183, 184, 185, 261, 262, 263 situated at Mypadu Village, Indukurpet Mandal, SPSR Nellore District as illegal, arbitrary and in violation of G.SR 740(e) dated 22.12.2005, of Animal, Husbandry, Dairy Development and Fisheries (Fish-II) Department and consequently direct the respondents to demolish the already established aqua culture farms and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Heard learned counsel for the petitioner and learned Government Pleaders for Revenue, Fisheries appearing for respondents 1 to 5, Sri G.Pamachandra Rao, learned Standing Counsel for respondent No.6 and Smt.J.Koteswari Devi, learned Standing Counsel for respondent No.7, before ordering notice to unofficial respondents 8 to 11 and perused the prayer in the writ petition with supporting affidavit and other material on record including written instructions dated 17.07.2017.

In the affidavit filed in support of the writ petition, it is stated that the respondent Authorities are allowing the unofficial respondents 8 to 11 to dig fish tanks in the cultivable zone, destroying the use and utility of the neighbouring paddy fields from the seepage of water from the tanks that will percolate otherwise and they are being the affected parties, despite he submitted a complaint and issued a legal notice to the

respondents on 09.06.2017, no action has been taken by the respondent Authorities.

It is the submission of learned Government Pleader for Fisheries from the written instructions that it is for the prawn cultivation, an application is made by the 8th respondent and the petitioner raised objection apprehending damage to his agricultural lands from permitting such aqua cultivation and the matter is pending with the District Level Committee, who can call for the Mandal Level Committee and it is pursuant to G.SR 740(e) of Animal, Husbandry, Dairy Development and Fisheries (Fish-II) Department, dated 22.12.2005 of the Central Government, Ministry of Agriculture Gazette Notification also under process with reference to the Coastal Aqua Culture Authority Act, 2005 (24 of 2005).

Having regard to the above, instead of keeping the writ petition pending, the same can be disposed of as no action according to the respondents taken even by grant of a provisional permission to the unofficial respondents and thereby, without according permission, they cannot permit the unofficial respondents even to dig any tank, much less, to cultivate. The respondents shall pass a detailed order and communicate the result of the writ petition besides the unofficial respondents. If the petitioner has any further grievance, he can agitate the same in accordance with law.

Accordingly, the Writ Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Date:20-07-2017
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Dr. B. SIVA SANKARA RAO, J

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