

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.11814 OF 2011

ORDER:

The writ petition is filed questioning the action of the respondents in not taking steps to remove the encroachers and take action against the persons producing bogus patta holders in swamp area of S. Yanam Village, Uppalguptam Mandal, East Godavari District, as illegal and arbitrary.

The allegation of the petitioners is that thousands of extent of swamp area spreading over including in Sy.No.356 and other survey numbers of N. Kothapally is in illegal occupation and in spite of the complaint made by the petitioners to the respondent authorities, no action has been taken. In response to the writ affidavit, the 7th respondent-Tahsildar, filed the counter-affidavit. The counter-affidavit of the said Tahsildar discloses that in Sy.No.356/2, an extent of Ac.1016.36 cents has been sub divided into R.S.Nos.357 to 367 and 379 and 397 over an extent of Ac.703.06 cents only leaving an extent of Ac.313.30 cents and out of which Ac.206.30 cents was entered in POB register. It was further asserted that there are 70 persons in occupation of Ac.70.00 cents of land and the remaining Ac.37.00 is only swamp land and after submersion of Ac.200.00 in brackish water.

The sum and substance of the counter-affidavit is to the effect that the persons who are in occupation are the *bona fide* pattadar holders and the allegation of the petitioners is contrary to the material available on record. Even in the counter-affidavit filed by the Deputy Director, Fisheries Department, Kakinada while reiterating that up to 500 meters of the swamp area is falling

within the Coastal Regulation Zone (CRZ). No specific instances have brought to the notice of any aqua culture being carried out. It was further asserted that if any particular instances are brought to their notice, they would take action in accordance with law. It is also further asserted that no applications were received from any aqua farmer as on the date of filing of the counter-affidavit.

Considering the nature of the relief sought by the petitioners and this being a writ petition admittedly having not been filed in public interest, this Court is not required to enter into a roving enquiry. However considering the grievance which the petitioners seek to expose on behalf of the Fisherman community, liberty is given to the petitioners to approach the respective authorities seeking specific information by filing necessary applications under the Right to Information Act, 2005 which shall be processed by the authorities in accordance with law. After obtaining the information, if the petitioners have any grievance, they are at liberty to seek appropriate remedy.

Subject to the above observations, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDARAM,J

Date:05.06.2017.
Gk.

HONB'E SRI JUSTICE CHALLA KODANDARAM



Gk.