

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.4536 of 2014**

**ORDER:**

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of respondents 2 to 4 in not initiating/taking any action against respondents 5 & 6 in operating fresh water aquaculture in nearly Ac. 10.00 cents in R.S.No.276/1 to 4 and 283/1 of Pedanindrakolanu Village, Nidamaru Mandal, West Godavari District, without obtaining permission from the District Level Committee as per G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (FISH.II) Department, dated 16.03.2013, as also without maintaining seepage bunds/canal as per G.O. as illegal and arbitrary and contrary to G.O.Ms.No.7, Animal Husbandry, Dairy Development and fisheries (FISH.II) Department, dated 16.03.2013, and consequently direct the respondents to initiate necessary action against respondents 5 & 6 in operating fresh water aquaculture in R.S.No.276/1 to 4 and 283/1 of Pedanindrakolanu Village, Nidamaru Mandal, West Godavari District.

2. The brief facts of the case are that the petitioner is permanent resident of Pedanindrakolanu Village of Nidamaru Mandal, West Godavari District. It is submitted that to the East of the land of the petitioner, which is admeasuring to an extent of Ac. 0.08 <sup>3</sup>/<sub>4</sub> cents in Survey Nos.277/1A, 1B and 278/1 of Pedanindrakolanu, respondents 5 & 6 are having lands in R.S.Nos.276/1 to 4 and 283/1 to an extent of Ac. 8.00 cents and they converted their lands into fish tank and while digging the fish

tank, they also occupied the revenue poramboke land to an extent of nearly Ac. 2.00 cents and dug the fish tank and presently cultivating fresh water aquaculture in an extent of Ac. 10.00 cents. It is further submitted that respondents 5 & 6, without obtaining permission as contemplated under G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (FISH.II) Department, dated 16.03.2013, doing fresh water aquaculture. The seepage canal is also not provided and that in view of the same, the petitioner made a representation on 16.01.2014 to the District Collector, West Godavari District, Eluru (2<sup>nd</sup> respondent), who is the competent authority under G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (FISH.II) Department, dated 16.03.2013, and copy of the same was also sent to the Tahsildar, Nidamaru Mandal, West Godavari District (4<sup>th</sup> respondent). Though respondents 2 & 4 received the said representation, they did not initiate any action against respondents 5 & 6 in respect of the illegal fresh water aquaculture operations. Aggrieved by the same, the present writ petition is filed by the petitioner.

3. Heard and perused the material available on record.

4. The main contention of the petitioner is that even though she submitted a representation on 16.01.2014 to respondents 2 & 4, but they neither considered the said representation nor taken any action against respondents 5 & 6 in respect of the illegal fresh water aquaculture operations.

5. Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioner, this

Court is of the view that the writ petition can be disposed of with the following direction:

Respondents 2 & 4 are directed to consider the representation of the petitioner, dated 16.01.2014, and pass appropriate orders in accordance with the G.O.Ms.No.7, Animal Husbandry, Dairy Development and fisheries (FISH.II) Department, dated 16.03.2013, as expeditiously as possible, preferably within a period of one (1) month from date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

**RAJA ELANGO,J**

Date: 18<sup>th</sup> April, 2017

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