

THE HON' BLE SRI JUSTICE A. V. SESA SAI

WRIT PETITION No.17051 of 2017

ORDER:

This writ petition is filed questioning the order passed by the Joint Director of Fisheries/ Member Convener of Regularization of Fresh Water Aquaculture in Nellore District in proceedings No.1056/ D/ 04 dated 04.05.2017, rejecting the application of the petitioner for Aquaculture and the consequential notice dated 11.05.2017 issued by the Fisheries Development Officer, Buchireddypalem, Sangam Mandal, SPSR Nellore District.

When the matter is taken up, as pointed out by the learned Government Pleader for Fisheries that as per G.O.Ms.No.15 of Animal Husbandry, Dairy Development and Fisheries (Fish) Department dated 26.05.2015, the impugned order is appealable before the Commissioner of Fisheries and without availing the same, the present Writ Petition has been filed under Article 226 of the Constitution of India.

As appeal remedy is available as per G.O.Ms.No.15 of Animal Husbandry, Dairy Development and Fisheries (Fish) Department dated 26.05.2015, this Court is not inclined to entertain the present Writ Petition and this Court is not inclined to go into the merits of the Writ Petition.

Accordingly, the Writ Petition is dismissed with liberty to the petitioner to avail the alternative remedy of appeal before the Commissioner of Fisheries against the order impugned, within a period of one week from the date of receipt of a copy of this order. If any such appeal is filed against the order impugned, the same be considered and appropriate orders be passed in accordance with law, after giving notice and opportunity to the petitioner herein. There shall be no coercive action pursuant to the impugned proceedings in respect of the subject fish tank, for a period of ten days. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

Date: 18.05.2017

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A.V. SESA SAI, J



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