

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.9658 of 2014 & 27767 of 2017

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they are being disposed of by this common order.

W.P.No.9658 is filed challenging the action of respondents 1 to 6 in not taking any action on the representations dated 11.3.2014 and 14.3.2014 submitted by the petitioner for taking necessary action against respondents 7 to 9, who are doing aqua culture, situated at Vandram Village, Undi Mandal, West Godavari District, illegally without complying with the conditions mentioned in G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dated 16.3.2013 and without obtaining any renewal of the licence as per the said GO.

W.P.No.27767 of 2017 is filed seeking to call for the records on the file of the 5th respondent *vide* proceedings No.536/A3/214-28, dated 9.8.2017 and to set aside the same.

In W.P.No.9658 of 2014, on 28.3.2014, this Court directed the respondents to consider the representations of the petitioner dated 11.3.2014 and 14.3.2014, but the same were not considered.

The petitioner in W.P.No.9658 of 2014 filed C.C.No.1540 of 2015 and during pendency of the contempt case, it appears that a decision was taken in the 85th District Level Committee for demolition of the un-authorized fish ponds. Consequent to the said decision, proceedings were issued by the 5th respondent-Joint Director, Fisheries, West Godavari, Eluru, on 9.8.2017 for demolition of the fish ponds. Without impleading the petitioner in W.P.No.9658 of 2014, the respondents therein filed W.P.No.27767 of 2017 challenging the said proceedings of the 5th respondent, dated 9.8.2017.

Now, it is clear that the Government wanted to take action pursuant to the complaint lodged by the petitioner in W.P.No.9658 of 2014 though belatedly. The petitioner in W.P.No.9658 of 2014 states that no permission was obtained

by respondents 7 to 9, whereas respondents 7 to 9 states that permission was granted in their favour on 29.5.2010. But the permission so obtained shall be renewed *vide* G.O.Ms.No.7, dated 16.3.2013 and there is no averment relating to obtaining of renewal pursuant to the said GO.

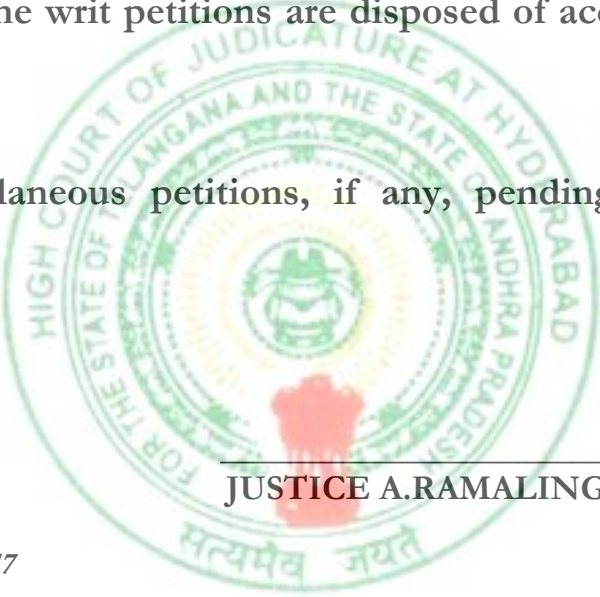
Be that as it may, in view of the decision of the District Level Committee in its 85th meeting, though respondents 7 to 9 did not submit any reply to the previous notices issued by the 5th respondent, in order to give an opportunity to respondents 7 to 9, the matter is relegated to the 5th respondent for taking appropriate decision after hearing the petitioner and respondents 7 to 9 in accordance with law and passing a reasoned order, more particularly indicating whether there is any proper permission for conducting aqua culture activity or not.

In view of the relegation of matter to the 5th respondent, liberty is given to both the parties to submit their written representations, if any, within one week from the date of receipt of a copy of this order. As and when such written

representations are received, the 5th respondent after hearing the petitioner and respondents 7 to 9, shall pass appropriate orders within two weeks thereafter. Till passing of final order by the respondent-authorities, no action for demolition of the existing fish ponds, shall be undertaken by the 5th respondent.

Both the writ petitions are disposed of accordingly. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

23rd August, 2017
rkk

