

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION Nos.19351 AND 15624 OF 2017

COMMON ORDER:

The W.P.No.19351 of 2017 is filed against the official respondents 1 to 4, who are respondents 1, 3, 5 and 6 of W.P.No.15624 of 2017 and the writ petitioner in W.P.No.19351 of 2017 is the 7th respondent in W.P.No.15624 of 2017.

2. The prayer in W.P.No.19351 of 2017 is as follows:

“to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 2nd respondent herein in granting "Final Registration of New Fresh Water Aquaculture Farm" to carry on aquaculture activities in the petitioner's Tank water spread area Ac.2.618 located in farm area Ac.2.71 in S.Nos. 41/1, 2A, 3, to 5, 42/5, 10, 4, 6 to 9 & 11, situated at Gudala Village, Allavaram Mandal, East Godavari District, A.P. as biased, illegal and void and consequently direct the 1st respondent herein to take appropriate action against the 2nd respondent herein as per law for his delay in granting Final Registration of New Fresh Water Aquaculture Farm to the Petitioner's Tank, which was dug pursuant to his Provisional Registration No. PRF011600013215, dated 01-04-2017 to secure the ends of justice.”

3. The prayer in W.P.No.15624 of 2017 is as follows:

“to issue an appropriate Writ, Order or Direction more particularly one in the nature of writ of Mandamus declaring the action of the official respondents

particularly respondents 3 to 6 in allowing the 7th respondent in converting the Agricultural lands situated in Survey No 41/1, 2A, 3, 4, 5, 42/5, 10, 4, 6, 7, 8, 9, 11 at Gudala Village, Allavaram Mandal East Godavari District into Fresh water Aqua culture ponds based on Provisional certificate of Registration of Fresh Water Aqua culture farm dated 01-04-2017 as illegal arbitrary, violative of Article 14, 21, of the Constitution of India and in violation of provision of the G.Q.Ms.No.7, Animal Husbandry and Dairy Development and Fisheries (Fish.II) Department dated 16-03-2013 and consequently direct the Official respondents to stop the 7th respondent from converting the Agriculture lands into Fresh water Aqua culture ponds situated Survey No 41/1,2A,3,4,5, 42/5,10,4,6,7,8,9,11 at Gudala Village, Allavaram Mandal , East Godavari District.”

4. A perusal from the respective prayers with supporting affidavits show that the writ petition in W.P.No.19351 of 2017 claims for the fresh water Aqua Culture farm. There is a provisional permission for digging of the tank in the water spread area of Ac.2.618 in an extent of Ac.2.71cents in S.Nos. 41/1, 2A, 3 to 5, 42/5, 4, 6 to 11, situated at Gudala Village, Allavaram Mandal, East Godavari District, vide provisional registration No.PRF011600013215, dated 01.04.2017 and the petitioners 1 to 3 of the W.P.No.15624 of 2017 by claiming as neighbouring owners having the lands in S.No.39/2 and 42 of the same village abutting to the proposed tanks dug saying if the writ petitioner in W.P.No.19351 of 2017 is allowed to cultivate fish or prawn cultivation from the seepage of the

water, it spoil their agricultural lands yield and effects their livelihood of cultivation.

5. The learned Government Pleader for Revenue and Fisheries, in particular, from the oral instructions, submit that what all the permission granted is provisional and final permission if at all to accord is after considering the objections and it is in process.

6. Having regard to the above, both the two writ petitions are disposed of, including by permitting the writ petitioners in W.P.No.15624 of 2017 to file their detailed objections from the facts mentioned in their writ affidavit before the Commissioner of Fisheries and District Level Committee, for which the District Collector is the Chair Person (3rd respondent of W.P.No.15624 of 2017 and 2nd respondent of W.P.No.19351 of 2017), including by Registered Post and the District Collector/any members of the Committee shall acknowledge the said filing of objections and pass detailed order, if at all to grant or refuse final permission to the petitioner in W.P.No.19351 of 2017 also by meeting the objections raised by the petitioners in W.P.No.15624 of 2017, within four weeks after filing of said objections by the writ petitioners in W.P.No.15624 of 2017. It is needless to say that the writ petitioner in W.P.No.19351 of 2017 also entitled to file any reply to it. Any cultivation by the writ petitioner in

W.P.No.19351 of 2017 is subject to final permission if any and not meantime.

7. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

12.07.2017
SS

