

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

W.P.Nos.35924, 35926, 35935, 35970, 35978, 35995 and 35996 of 2017

COMMON ORDER:

The grievance of the writ petitioner(s) is that the impugned proceedings, dated `23.08.2017, were issued without affording an opportunity of hearing to them despite clear directions in the orders, dated 17.07.2017, of this Court in W.P.No.23259 of 2017.

At the hearing, learned counsel for the petitioner(s) brings to the notice of the Court the operative portion of the afore-said order of this Court in the above said writ petition, which reads as under: - **'Having regard to the above, this writ petition itself is disposed of, directing the petitioners to give fresh representation within one week from date of receipt of the order and the respondents shall hear including by giving notice to the unofficial respondents 7 to 24 and pass appropriate orders within six weeks thereafter through the District Level Committee concerned as the case may be. It is made clear that in the meantime neither respondents 1 to 5 shall allow nor respondents 7 to 24 shall sow any seed of any fish or prawn and cultivate, but for digging of the tanks if any at their risk from the provisional permission.'**

Learned Government Pleader would submit as follows: - 'When provisional permissions were granted to the petitioner(s), the afore-stated writ petition was filed by the 6th respondent in W.P.No.35970 of 2017 and others raising objections; since as on that date only provisional permissions were granted, this Court disposed of the writ petition with the afore-stated

directions; in view of the serious objections raised for conversion of the lands into fish tanks, the provisional permissions accorded to the petitioner(s) are cancelled by the impugned notice.’

Learned counsel for the 6th respondent in W.P.No.35970 of 2017 would submit that the writ petition(s) without challenging the 85th District Level Committee’s order, dated 09.08.2017, is/are not maintainable and that pursuant to the provisional permissions, the petitioner(s) and other persons similarly placed as that of the petitioner(s) are supposed to only dig the lands but not cultivate the ponds and do any culture activities; but, the petitioner(s) filled the ponds with water and violated the directions in the orders of this court.

During the course of hearing, it is brought to the notice of this Court that one of my learned predecessors twice called for the records concerned and was of the view that the impugned proceedings, dated 23.08.2017, were issued without affording an opportunity of hearing to the petitioner(s). The said fact is not disputed during the course of hearing before me.

Having regard to the facts and submissions, all the Writ Petitions are disposed of; and, the impugned proceedings, dated 23.08.2017, are hereby set aside and the 3rd respondent is given liberty to take fresh decision in the matters and pass orders afresh in strict accordance with the procedure established by law, however, after affording an opportunity of hearing to the petitioner(s) and by following the directions in the orders, dated 17.07.2017, of this Court, in W.P.No.23259 of 2017 as expeditiously as possible and preferably within three weeks from the date of receipt of a copy of this order. In view of the directions in the operative portion of the said order, the petitioner(s) herein shall not sow any seeds in any of the fish/prawn tanks and cultivate; and, the

respondents 2 to 5 shall ensure that the petitioner(s) shall comply with the said direction. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

11.12.2017
Vjl

