

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.40094 of 2017

ORDER:

In this writ petition, under Article 226 of the Constitution of India, the submissions and grievance of the writ petitioners, in brief, are as follows: 'The petitioners applied and submitted all the documents through mee-seva, on 31.03.2017, and paid the requisite fee for granting permission for starting fish tanks in extents of Ac.2.00 cents and Ac.0.05 cents in Survey No.94/6 of Patwala Village, Tallarevu Mandal, East Godavari District. As the said application was not disposed of within 28 days, they dug the lands and established fish tanks. However, on a complaint given by the neighbours i.e., respondents 7 and 8, the fourth respondent issued a notice, on 21.10.2017, expressing an intention to demolish the fish tanks in the subject lands, having kept the application of the petitioners pending for seven months.'

2. At the hearing, learned counsel for the petitioners would submit that if a direction is given to the official respondents to consider and dispose of the application, dated 31.03.2017, the grievance of the petitioners would stand redressed.

3. Learned Government Pleader for Fisheries appearing for respondents 1, 3 and 4, on written instructions, would submit as follows: 'A complaint has been received from V. Satyanaraya on 03.07.2017 stating that he is having Ac.0.45 cents of paddy land in Survey No.94/6 in his wife's name and that the petitioners have constructed a prawn tank without providing seepage channel. In the said complaint, he requested the District Collector to take action. The Fisheries Development Officer, Tallarevu, has visited the place and noticed that the petitioners have

taken up prawn culture without permission of the Government and in violation of the Guidelines issued in G.O.Ms.No.7, dated 16.03.2017, and that a distance of three meters is not maintained between the pond of the petitioners and the neighbouring lands and that the petitioners also failed to provide seepage channel. Therefore, the notice was issued to the petitioners to stop the illegal prawn culture. Hence, the writ petition is devoid of merits and is liable to be dismissed.'

4. Having regard to the submissions, the writ petition is disposed of directing the petitioners not to undertake any kind of fish or prawn culture in the subject land, until a decision is taken by respondents 2, 4 and 5 on the application, dated 31.03.2017, of the petitioners. The said respondents are directed to consider and dispose of the application, dated 31.03.2017, of the petitioners within a period of three weeks from the date of receipt of a copy of this order, however, in strict accordance with procedure established by law and communicate the decision taken thereon to the petitioners within a week thereafter. This order shall not preclude the said respondents from taking appropriate action against the petitioners in accordance with law for violation of the terms of the aforestated G.O.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 06.12.2017
va