

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43496 OF 2017

ORDER:

This Writ Petition is filed challenging the action of respondent No.4, Tahsildar, Veeravasaram Mandal, West Godavari District, in obstructing/stopping the digging operations of the petitioners' fish tanks in various extents at Madugupolavaram Village, Veeravasaram Mandal, West Godavari District.

2. The case of the petitioners is that their requests for grant of permissions to do fish/prawn culture was considered and that District Level Committee on 13.09.2017 granted permissions for digging fish tanks in their subject lands and that as per the terms of G.O.Ms.No.7, dated 16.03.2013, the petitioners are entitled to dig fish tanks after issuance of Provisional Registration Certificate and that after digging the fish tanks only, they shall apply in Form-C for final registration and that thereafter, Final Registration Certificate would be issued, and that while the petitioners are digging fish tanks in their subject lands, respondent No.4 authority came and stopped digging operations without any reason and therefore, the Writ Petition is filed.

3. Learned counsel for the petitioners would submit that in a case of similar nature, this Court disposed of W.P.No.21938 of 2017 by order, dated 07.07.2017, and placed on record a copy of the order in the said Writ Petition.

4. Learned Government Pleader for Fisheries appearing for respondent Nos.1 to 3, on written instructions, would submit that the Department of Fisheries neither received written nor oral

objections from any person to stop digging of fish tanks in respect of which the District Level Committee issued provisional licence and that the petitioners are permitted to dig fish tanks according to the guidelines stipulated in G.O.Ms.Nos.7 and 15, dated 16.03.2013 and 26.05.2015, respectively, and that none of respondent Nos.1 to 3 raised any objection for the digging of fish tanks by the petitioners as per the provisional registration certificates.

5. I have heard the learned Government Pleader for Revenue appearing for respondent No.4.

6. In view of the permissions obtained by the petitioners, the Writ Petition is disposed of directing respondent No.4 not to interfere with the digging operations being undertaken by the petitioners in the subject lands of the petitioners, so long as the petitioners conform their activity to the conditions mentioned in the Provisional Registration Certificates. However, it is made clear that if the petitioners violate the conditions in the Provisional Registration Certificates or the terms of the G.Os. aforesaid, it is open to the authority concerned to take appropriate steps in accordance with law.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

December 26, 2017
MD