

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.40073 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed challenging the proceedings of the 2nd respondent granting provisional registration in favour of the 5th respondent for digging fish tanks in an extent of Ac.1.81 cents of land in Sy.no.21 of Bomminampadu village, Mudanepalli Mandal, Krishna District.

2. Heard *Sri B.Chandra Sekhar*, learned counsel appearing for the petitioners, and the learned Government Pleader for Fisheries appearing for the respondents 1 and 2. I have perused the material record.

3. Learned counsel appearing for the petitioners would submit that though the petitioners have sent objections, dated 21.07.2017, without considering and disposing of the said objections, provisional registration is granted in favour of the 5th respondent, vide proceedings, dated 12.06.2017, and that the said provisional registration granted in favour of the 5th respondent is in violation of the terms of G.O.Ms.No.15, dated 26.05.2015.

4. In reply, learned Government Pleader, on instructions, would submit that the guidelines issued by G.O.Ms.No.7, dated 16.03.2013, and G.O.Ms.no.15, dated 26.05.2015, were duly followed before issuing the impugned orders and that a notice was also displayed in the Notice Board of the Gram Panchayat calling for objections and that in view of the objections of the petitioners herein, a direction would be given to the 5th respondent to arrange a drain to discharge culture water and to see that the land of the petitioner is not affected; and, that the final

permission is not yet been granted and that final permission would be granted only on the 5th respondent complying with the afore-said directions and as per G.O.Ms.no.7, dated 16.03.2013.

5. I have given earnest consideration to the facts and submissions. I have perused the material record.

6. The terms of G.O.Ms.no.15, which are relevant, are not clear as to whether the objections shall be considered before the final registration or provisional registration by the District Level Committee. This Court, by orders, dated 08.11.2017, passed in W.P.no.37362 of 2017, expressed an opinion that the objections shall be considered before the provisional registration is granted and before the concerned is permitted to dig tank for the desired purpose.

7. In that view of the matter, and having regard to the facts & circumstances of the instant case, while disposing of the writ petition, it is directed that the District Level Committee/competent authority shall consider the objections of the petitioners before granting final registration in favour of the 5th respondent in strict accordance with law, however, within a period of two weeks from the date of receipt of a copy of this order. And, the decision taken shall be communicated to the petitioner within a week thereafter. Till such time, the 5th respondent shall not take up any activity in the subject property.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

28th November, 2017

Note:-

Issue CC in three days

(B/ o) RAR

