

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.40257 of 2017

ORDER:

This writ petition is filed seeking verbatim the following relief/s:

“.....to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents No.1 to 5 in allowing the fish tanks in Rs.No.64/2 an extent of Ac.2.07 cents and Rs.No.64/2 an extent of Ac.2.05 cents, total extent Ac.4.12 cents in Ilaparru Village, Nandiwada Mandal, Krishna District without following guidelines in G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish-II) Dept., dated 16/03/2013, and Amendment G.O.Ms.No.15, Dt.26/05/2015 issued by the 1st respondent and without considering the petitioners representations dtd.13/11/2017 and 14/11/2017 as illegal, arbitrary, and contrary to law and further direct the Respondents Nos.1 to 5 to demolish the illegal fish tanks of the 6th and 7th respondents in Rs.No.64/2 an extent of Ac.2.07 cents and Rs.No.64/2 an extent of Ac.2.05 cents, total extent Ac.4.12 cents in Ilaparru Village, Nandiwada Mandal, Krishna District by considering the petitioners representations dtd.13/11/2017 and 14/11/2017 and pass such other order or orders...”

Learned counsel for the petitioner would submit as follows: -

‘The respondents 6 & 7, having unauthorisedly, illegally and contrary to the guidelines in G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish-II) Dept., dated 16.03.2013, and G.O.Ms.No.15, dated 26.05.2015, converted their lands into fish tanks, are using pesticides in their fish tanks and thereby causing pollution of the ground water and inconvenience to the petitioner and residents of the locality of the petitioner. Despite

representations, dated 13.11.2017 and 14.11.2017, no action has been taken against the respondents 6 & 7. Therefore, the writ petition is filed.'

Learned Government Pleader for Fisheries representing the respondents 1 to 5, on instructions, would submit as follows: 'Pursuant to the complaint of the petitioner, a field inspection was made and it was found that there is no fish culture in the tank. However, a notice, dated 26.11.2017, was issued by the officer concerned to the respondents 6 & 7, *inter alia*, stating not to do prawn culture without permission as per rules in vogue. As per the present rules in vogue, the respondents 6 & 7 have got opportunity to regularise their existing fish tanks up to 30th June, 2018. If the petitioner is aggrieved, he ought to have approached the Commissioner of Fisheries, Vijayawada, who is the appellate authority. The writ petition is not maintainable.'

However, to a query from the Court, learned Government Pleader would submit that so far respondents 6 & 7 have not submitted any applications for regularisation.

Having regard to the facts and submissions, the Writ Petition is disposed of directing the respondents to consider and dispose of the representations, dated 13.11.2017 and 14.11.2017, of the petitioner, within four (04) weeks from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law, and communicate the decision taken thereon

to the petitioner within a week thereafter. It is made clear that if, in future, any applications are filed by the respondents 6 & 7 for regularisation of their fish tanks, the same shall not be considered without affording an opportunity of hearing to the petitioner.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

29.11.2017
Vjl

