

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42024 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

“For the reasons stated in the accompanying affidavit the petitioner prays that this Hon’ble court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents 2 to 4 in not taking any action to restrain the respondent no 5 in carrying on Aqua Culture in the lands situated in 182-F1, 181-2B1 of punnuru revenue Village, Indukurpeta Mandal, SPSR Nellore District, without any permission as illegal, arbitrary and unconstitutional and consequently direct the respondents 2 to 4 to restrain the respondent no 5 from carrying on aqua culture in the said lands and demolish the said tanks and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *V.Siva Prasad Reddy*, learned counsel for the petitioner, and of the learned Government Pleader for Fisheries appearing for the respondents 1 to 4. I have perused the material record.

3. Learned counsel for the petitioner submits that despite representation, dated 05.11.2016, given to the District Collector, SPSR Nellore District (2nd respondent), and others and the further representation, dated 19.12.2016, to the Chief Secretary, Secretariat Office, CM.Camp Office, Vijayawada, no action is initiated against the 5th respondent, who is carrying on aquaculture in the subject lands in violation of the terms of G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dated 16.03.2013, particularly with regard to maintenance of the minimum distance

between the land of the petitioner and the area where the 5th respondent is carrying on aquaculture operations and, therefore, the present writ petition is filed.

4. Learned Government Pleader for Fisheries appearing for the respondents 1 to 4, on instructions, would submit that the 5th respondent is carrying on aquaculture operations in the subject property in violation of the terms of the afore-stated G.O.

5. Having regard to the facts and submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the representation, dated 05.11.2016, of the petitioner within a period of two (02) 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. Since it is represented that the aquaculture operations of the 5th respondent are in violation of the terms of the afore-stated G.O., the respondent authorities 1 to 4 shall forthwith stop such operations being undertaken by the 5th respondent in the subject property, by following the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 18th December, 2017

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