

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

W.P. No.612 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Fisheries representing on behalf of respondents 1 to 3 before ordering notice to unofficial respondent No.4 and perused the prayer with the supporting affidavit and the written instructions obtained and submitted by respondents 1 to 3 and other material on record.

2) The prayer in this writ petition reads as follows:

“...to issue a writ or order or direction more so a writ in the nature of Mandamus by declaring the inaction of the Respondents in not preventing the 4th respondent in converting the agricultural lands into fish tanks for not considering my objections through any authority or permission or representation dated 18.12.2017 in respect of lands in Sy.Nos.49 to 54 etc., totally admeasuring Ac.23.66 cents at Mulakalapalli Village, Mudinepalli Mandalam, Krishna District as arbitrary, illegal, unauthorized and contrary to the law and violative of principles of natural justice and consequentially to direct the Respondents to stop the illegal digging and conversion of agricultural lands as fish tanks by the 4th respondent and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

3) It is the submission of the learned Government Pleader for Fisheries representing respondents 1 to 3 that only provisional permission was granted to the unofficial 4th

respondent and the same is only for freshwater fish culture and not for salt water.

4) Leave about the precautions directed to be taken to maintain the buffer zone not to affect the agricultural land nearby and to drain the discharge culture water into the Pedalanka drain adjacent to the proposed fish culture pond, it is stated that the authorities are going to consider the representation of the petitioner dated 18.12.2017 pending with the District Collector before granting final permission pursuant to the directions in G.O. No.7, dated 16.03.2013.

5) Having regard to the above submissions and by recording the same, the writ petition is disposed of with a direction to the official respondent Nos.1 to 3 that if at all any final permission is to be accorded to the unofficial 4th respondent, it shall only be considering the representation of the petitioner by assigning reasons in relation thereto also. Leave apart, they shall not permit, by virtue of provisional permission, digging of the fish tanks that too for the proposed freshwater fish cultivation, subject to final permission. There shall be no order as to costs.

6) Consequently, miscellaneous petitions, if any pending in this revision shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 19.01.2018
knl