

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Writ Petition No.1336 of 2018

ORDER :

Heard the learned counsel for the petitioner and the learned Govt. Pleader for Fisheries and revenue respectively and on behalf of the respondents 1 to 5 before ordering notice to the unofficial 6th respondent from perusal of the prayer in the writ petition with supporting affidavit with the other material including earlier order in another writ petition vide W.P.No.37362 of 2017 dt.08.11.2017 directing the respondents herein, after hearing both sides, of the District Level Committee being the competent authority to consider the objections of the petitioner before granting final registration in favour of the 6th respondent, in accordance with law, within a period of two weeks from the date of receipt of a copy of the order and meantime, the 6th respondent shall not take up activity in respect of the subject property.

2. Coming to the present prayer which reads as follows:-

“To issue a Writ or Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, to declare the action of the 2nd respondent in not passing stay order on the petitioner's stay petition in pending appeal on his file despite the appeal having been presented on 12.01.2018 assailing the order dt.30.12.2017 in R.C.No.1675/ A4/ 2017 passed by the 4th respondent as illegal, arbitrary to the provisions of G.O.Ms.No.15,dt.26.05.2015 of the 1st respondent and consequently direct the 5th respondent herein to ensure that the 6th respondent shall not proceed further in digging the fish tank pursuant to the proceedings of the 3rd respondent, dt.02.11.2017 vide PRF No. 11700028152, pending disposal of the appeal and pass such other order or orders as are deem fit and proper in the circumstances of the case.

3. The appeal pending for the interim stay sought for not granted impugning supra is only against the provisional permission for digging of tanks and pursuant to the order referred in the Writ

Petition No.37362 of 2017, there is no final order permitting 6th respondent so far passed undisputedly.

4. Having regard to the above for nothing to keep the Writ Petition pending, same is disposed of directing the 2nd respondent to dispose of the appeal within three weeks from the date of receipt of the order. Meanwhile there is no further order is required in view of the order passed in the earlier Writ Petition against the 6th respondent on taking of any activity of the cultivation/ culture is only subject to the final permission and the final permission consideration is subject to the result of the appeal against the present provisional permission.

Consequently, pending miscellaneous petitions, if any, shall stand closed.

Date:19.01.2018
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Dr. B.SIVA SANKARA RAO J,

