

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Writ Appeal No.140 of 2018

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.42024 of 2017 dated 18.12.2017.

While the complaint of the appellant herein (5th respondent in the writ petition) is that the order under appeal came to be passed without putting him on notice, and without giving him an opportunity of filing his counter-affidavit, Learned Government Pleader for Fisheries would submit that the appellant was carrying on illegal aquaculture operations; a notice was issued to him on 12.09.2016 asking him to show cause why action should not be taken against him for carrying on illegal aquaculture, as he had not followed the guidelines in G.O.Ms.No.7 dated 16.03.2013; the petitioner did not furnish any explanation thereto till date; the application made by the appellant, for grant of permission, has not been approved by the Mandal Level Committee; and, only if and after it is approved, would the District Level committee decide whether to close operations or issue licence to the appellant.

We see no reason to interfere with the order under appeal, whereby the official respondents in the writ petition were directed to stop the aquaculture operations undertaken by the appellant, since carrying on such operations is, admittedly, in violation of G.O.Ms.No.7 dated 16.03.2013. Suffice it, therefore, to direct the Mandal Level Committee, constituted under the said G.O, to consider the appellant's application, and pass orders thereupon, strictly in accordance with G.O.Ms.No.7 dated 16.03.2013, within 10 days from today, and to forward its recommendations to the District Level Committee which shall take a

decision, whether or not to grant permission to the appellant, within ten days thereafter. It is made clear that, in case permission is accorded by the District Level Committee, the order under appeal shall not disable the appellant from carrying on aquaculture operations thereafter. Till orders are passed by the District Level Committee, on the appellant's application for grant of permission, the appellant shall not carry on aquaculture operations; and the official respondents shall ensure compliance of the order under appeal.

The Writ Appeal is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(M.S.K.JAISWAL, J)

02nd February, 2018
JSU



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Date: 02.02.2018

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