

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28196 OF 2015

DATED :15.03.2018

Between :

Lanke Narasimha Murthy, S/o.Peda Appa Rao,
Age : 45 yrs, Fishing, N.Kothapalli Village,
Uppalaguptam Mandal, East Godavari District & others.
.. Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary (Home Department),
A.P.Secretariat Buildings, Hyderabad & others.
.. Respondents



This court made the following :

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ORDER :

Heard. With the consent of both the counsel, the writ petition is disposed of finally.

2. Petitioners claim to be the fishermen carrying out their traditional fishing activity in Swamp area bearing Sy.No.813, N.Kothapalli Village, Uppalaguptam. Petitioners allege that the neighbouring land owners/occupiers in the guise of obtaining permission to carry out fresh water aqua culture encroached into the swamp area and obstructing the petitioners from carrying out their traditional fishing activity. Taking note of the contentions urged, this Court by order dated 02.09.2015 directed the respondent-Police authorities not to interfere with the traditional fishing activity of the petitioners **except** in accordance with law.

3. The neighbouring land owners/occupiers filed implead petition to implead them as party respondents and they were impleaded as respondents 8 to 17 in the writ petition. The implead respondents filed vacate petition praying to vacate the earlier interim order. According to them in the guise of interim order granted by this Court, though the petitioners are entitled to carry out traditional fishing activity in swamp area bearing No.813, petitioners are interfering with the aqua culture activity of the implead respondents and the same is not permissible.

4. At the hearing both counsel agree that the respective parties have no interest in the other extents of land. In other words, according to petitioners, they being fishermen are only concerned

with carrying out their traditional fishing activity in swamp area and according to respondents they are entitled to carry out aqua culture farming as per the permission granted to them in the respective survey numbers.

5. In paragraph No.3 of the affidavit filed by respondents 8 to 17 they have mentioned the survey numbers in which they are in occupation on being granted permission by the competent authority to carry out aqua culture activity. Thus, there is no controversy in so far as the area of operation of respective parties. The only allegation is that one party is interfering with the area of other party.

6. Along with W.P.M.P.No.4621 of 2016 village map is filed showing various extents of lands. It is seen from the village map that swamp area is classified as Sy.No.813 and has huge extent of land surrounded by the other lands which are in occupation by the implead respondents.

7. In the counter affidavit filed by the 4th respondent, it is stated that the land owned by the implead respondents are far away from the swamp located in RS.No.813 and they are operating their aqua culture activity by obtaining permission from the competent authority.

8. However, both counsel suggest that a survey be conducted, and boundaries of swamp may be fixed, so that there will not be future controversy with reference to area of operation and encroachment into the other's area.

9. Taking note of the submissions of learned counsels and to avoid future conflicts, I deem it proper to direct the District Collector, East Godavari District, Kakinada, to order survey of swamp area in Sy.No.813, identify the boundaries and fix the boundary stones. He shall also ensure, if necessary, by taking assistance of modern technology to monitor that there cannot be any encroachment into the swamp area and obstruction of traditional fishing activity by the fishermen and at the same time, the traditional fishermen should not encroach into the lands of private persons and obstruct the aqua culture activity of others. The entire exercise shall be undertaken and completed, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of copy of this order. Petitioners as well as unofficial respondents are also directed not to interfere with the fishing activity by the petitioners as well as unofficial respondents respectively.

10. With the above directions, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

15th March, 2018
Rds

P.NAVEEN RAO,J

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