

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal Nos.620 & 621 of 2018
And
Writ Petition Nos. 10298 and 10321 of 2018

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri D. Vijaya Kumar, learned counsel for the appellant-6th respondent, Sri O. Manohar Reddy, learned counsel for the respondent-writ petitioners, and the learned Government Pleader for Fisheries for respondents 7 to 10. These appeals are preferred by the 6th respondent in W.P. Nos. 10298 and 10321 of 2018, aggrieved by the orders passed in I.A. No. 1 of 2018, in both the Writ Petitions, on 28.3.2018 granting interim suspension of the order dated 12.3.2018 passed by the Joint Director of Fisheries.

By the said order, the respondent-writ petitioners were informed that earlier, by notice dated 1.1.2018, they were informed not to carry on prawn culture; during the field enquiry, on a complaint made by the appellant-6th respondent and others on 19.1.2018, 25.1.2018 and 12.2.2018, it was observed that they were carrying on prawn culture by using bore-water in violation of Government rules and regulations; and the 92nd District Level Committee had discussed, and had resolved to evict the respondent-writ petitioners from aqua-culture. The respondent-writ petitioners were directed to vacate the pond within a period of seven days from the date of receipt of the notice.

In the order under appeal, the learned Single Judge observed that, though the order dated 12.3.2018 referred to an earlier speaking order dated 1.1.2018 which, in turn, recorded that a personal hearing was given to the respondent-writ petitioners, there was no reference to the explanation offered by the petitioners in the said speaking order, nor any application of mind to the explanation offered by them. Therefore, an

interim order, of suspension of the order of the Joint Director of Fisheries dated 12.3.2018, was passed. Aggrieved thereby, the present appeals.

While elaborate arguments were put forth, on behalf of the appellant-6th respondent by Sri D.Vijaya Kumar, learned counsel, and by Sri O. Manohar Reddy, learned counsel appearing on behalf of the respondent-writ petitioners, it is unnecessary for us to take note of the rival contentions, or to deal with them, as Sri O. Manohar Reddy, learned counsel for the respondent-writ petitioners, would submit that, since certain facts which ought to have been stated in the writ affidavit were omitted to be so stated by over sight, the respondent-writ petitioners be granted permission to withdraw W.P. Nos. 10298 and 10321 of 2018 with liberty to file Writ Petitions afresh incorporating certain additional facts in the affidavit to be filed in support of the Writ Petitions.

Sri D. Vijaya Kumar, learned counsel for the appellant-6th respondent, would submit that this Court may make it clear that the interim order under appeal ceases to remain in force. In the light of the submissions made by the counsel, we consider it appropriate to set aside the order under appeal dated 28.3.2018, and accord permission to the respondent-writ petitioners to withdraw W.P. Nos. 10298 of 2018 and 10321 of 2018 with liberty to file Writ Petitions afresh.

Both the Writ Petitions are dismissed as withdrawn, and both the Writ Appeals are disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

20th April, 2018
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