

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.24440 of 2018

ORDER:

Heard learned Counsel for the petitioner, learned Government Pleader for Fisheries for the respondents No.1 to 3, learned Government Pleader for Revenue for respondent No.4 and Sri Durga Prasad, learned Standing Counsel for R.5.

The alleged inaction on the part of respondents No.1 to 5 in taking action to stop the unauthorised and illegal conversion of agricultural lands, admeasuring Ac.4.91 cents in R.S.No.166 of Elurupadu village, Kalla Mandal, West Godavari District, into Aqua Culture by the 6th respondent contrary to G.O.Ms.No.7, dated 16.03.2013, is under challenge in the present Writ Petition.

A counter affidavit, deposited by the Tahsildar, Kalla Mandal, West Godavari District, is filed. Paragraph Nos. 3, 5 and 6 of the said counter affidavit read as under:-

“In reply to para 2 of the affidavit, it is submitted that the official respondents herein will take action as per G.O.MS.No.7, 15, 48, 32 read with 31 of AH, DD and Fisheries (FISH) Department against the illegal conversion of agricultural land. The land owner converted as Fish Tank measuring an extent of Ac.4.61 cents, but not Ac.4.91 cents., as stated by the petitioner. Further, O.S.No.39 of 2017 on the file of the Court of III-ADJ, at Bhimavaram, West Godavari District filed by the petitioner herein is no way concerned to official respondents and it is purely private dispute.

In reply to para 6 of the affidavit, it is submitted that without any information to the official respondents, the land owner converted into Tank. The petitioner informed respondent No.4 through Registered Post with Acknowledgment Due, which was received in this office on 09.07.2018, by the time conversion of Tank was completed. Further, on enquiry, it is revealed that they have not applied and obtained Provisional Permission from competent authority under G.O.Ms.No.7.

In reply to paras 7 and 8 of the affidavit, it is submitted that the Official Respondents will act as per Rules and Regulations laid down in G.O.Ms.No.7, 15, 48, 32 r/w 31 of Animal Husbandry, Dairy Development and Fisheries (FISH) Department against illegal conversion. The above said two land owners are having clear title, enjoyment and possession on the land. But, they converted these agricultural land illegally i.e., without any permission from competent authority and even without any information to the official respondents herein. It is further submit that the Official Respondents will take action as per above said G.Os., and hence the Writ Petition may be dismissed in the interest of Justice.”

Having regard to the averments in the above mentioned paragraphs and the submissions of the learned Counsel for the petitioner and the learned Government Pleader, this Court deems it appropriate to dispose of the Writ Petition, with a direction to the official respondents to take appropriate action, as stated in the above said paragraphs, as expeditiously as possible.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed. No costs.

27th July, 2018
smr

A.V.SESHA SAI,J

