

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 28265 of 2018

ORDER:

The Writ Petition appears to have been filed by the petitioner on the apprehension that the respondent – authorities would ignore his explanation and demolish the fish tank dug based on the provisional permission granted in his favour in the year 2016.

A Show cause notice dated 22.06.2018 came to be issued to the petitioner alleging that, having taken provisional permission, and without obtaining final permission, as required in terms of G.O.Ms.Nos.7 and 15, is proposing to fill water and cultivate fish/prawn and that he submitted his reply dated 27.06.2018 stating that there was some delay in constructing fish tank on account of village politics; due to untimely rains, and also on account of letting out water in irrigation canals, the fish tank got filled up with rain water in the interregnum period, which was the natural phenomenon; and it was specifically denied that he was making any effort to fill the tank with fish/prawn seed. Now the present Writ Petition is filed by the petitioner apprehending that the respondent – authorities would take action without considering his explanation.

Learned Government Pleader for Fisheries had placed on record the written instructions made available to him by

the Joint Director of Fisheries, West Godavari, wherein it is stated that, nearly 500 villagers of Kuppanapudi had conducted dharna in the Village and Mandal headquarters alleging that the petitioner dug fish tank very near to the habitation and drinking water source which was causing pollution to the said drinking water source and, therefore, a show cause notice dated 22.06.2018 was issued to the petitioner and he submitted his explanation to respondent No.4. It is further asserted that, since the petitioner is in the process of putting fish tank into use, the entire Kuppanapudi Villagers conducted rally and dharna to demolish the fish tank which was dug against norms and causing damage to the drinking water source of the village. It is also asserted that, as of now, no action has been taken by the respondent – authorities for demolishing the fish tank constructed by the petitioner.

Heard the learned counsel for the petitioner and learned Government Pleader for Fisheries.

Having regard to the facts and circumstances set out, there is no requirement to keep the writ petition pending any longer. As no action has been taken by the respondents, and the objection taken by respondent No.4 has since been made over to respondent No.2 (District Level Committee) which is the competent authority to grant final approval for putting fish tank into operation, the Writ

Petition is disposed of with a direction to the District Level Committee to consider the objections of the petitioner, and pass appropriate orders with respect to carrying on fish/prawn culture in fish tank dug by him pursuant to the permission granted provisionally. It is made clear that, till decision is taken, the petitioner shall not fill the tank with fish/prawn and, if he violates, respondent – authorities are at liberty to take action without further notice to him.

Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.



CHALLA KODANDA RAM,J

Date: 10.08.2018
usd