

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.15510 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, declaring the action of the respondents in interfering with the petitioners digging operations of fish tanks in the land to an extent of Ac 22-94 cents covered by R.SNo 164-1A, 1B, 2A, 2B, 2C, 2D, 165-1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B1, 5B2, 6A, 6B1, 6B2, 166-1, 2, 3, 4, 5, 6, 7A, 7B, 8A, 8B, 8C, 8D, 9A, 9B, 10A, 10B, 11A, 11B, 167-1, 2, 3, 194-3B situated at Unudurru Village Undi Mandal West Godavari District, pursuant to Permit Letter bearing Registration No.PRF011600005650 dated 11.03.2016 in favour of the petitioner and 14 others issued by the 2nd respondent as illegal arbitrary violative of principles of natural justice and contrary to Articles 21 and 300-A of Constitution of India and issue a consequential order directing the respondents not to interfere with the petitioners digging operations of fish tanks in the land to an extent of Ac 22 94 cents covered by S.No164-1A, 1B, 2A, 2B, 2C, 2D, 165-1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B1, 5B2, 6A, 6B1, 6B2, 166-1, 2, 3, 4, 5, 6, 7A, 7B, 8A, 8B, 8C, 8D, 9A, 9B, 10A, 10B, 11A, 11B, 167-1, 2, 3, 194-3B situated at Unudurru Village Undi Mandal West Godavari District except under due process of law.

It is the case of the petitioner that, the petitioner along with others obtained permission to convert agricultural land into fish tanks in an extent of Ac.22-94 cents in various survey numbers

referred supra. After obtaining permission, the petitioner started digging fish tanks converting agricultural land into fish tanks. But, the third respondent started interfering with the digging operations and trying to remove the fish tanks arranged by this petitioner partly without any manner of right and such right is illegal and contrary to the permission granted by this petitioner by the second respondent.

The third respondent filed counter admitting grant of permission to convert agricultural land into fresh water aquaculture in an extent of Ac.22-94 cents covered in an extent of Ac 22 94 cents covered by S.No164-1A, 1B, 2A, 2B, 2C, 2D, 165-1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B1, 5B2, 6A, 6B1, 6B2, 166-1, 2, 3, 4, 5, 6, 7A, 7B, 8A, 8B, 8C, 8D, 9A, 9B, 10A, 10B, 11A, 11B, 167-1, 2, 3, 194-3B situated at Unudurru Village Undi Mandal West Godavari District, the Mandal Level Committee accepted the application under provisions in terms of G.O.Ms.No.7 Animal Husbandry, Dairy Development and Fisheries (Fisheries Department) dated 16.03.2016. Later on, the applications were forwarded to the District Level Committee and the District Level Committee headed by the Chairman, District Collector granted permission bearing Registration No.PRF.011600005650 dated 25.04.2016. The third respondent clearly asserted that, they never tried to interfere with the digging operations of the petitioner's fish tanks in the lands stated supra and no notice was issued directing this petitioner to stop digging operations in the fish tanks and prayed for dismissal of the petition.

As seen from the material on record and the admissions made by the third respondent in the counter affidavit, the petitioner obtained permission from the District Level Committee to dig fish tanks in the survey numbers stated above and thereby, started digging operations. But, the third respondent clearly stated that they are not interfering with the digging operations, when permission was granted by the second respondent, for converting agricultural land into fishing tanks.

In view of the submissions made in the counter by the third respondent, it is clear that the 3rd respondent is not interfering with the digging operations of fish tanks, in pursuance of the permission bearing Registration No.PRF.011600005650 dated 25.04.2016. Therefore, in view of the undertaking, the third respondent is directed not interfere with the digging operations. Further, recording the said submission of the third respondent, the writ petition is allowed.

In the result, writ petition is allowed.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:25.04.2018

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