

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 13546 of 2010

O R D E R:

This writ petition is filed seeking to issue a writ of *Mandamus* declaring that the action of respondents in interfering with the digging of the fish tank in the lands to an extent of Ac.6.42 cents of petitioner No.1 and Ac.25.05 cents of petitioner No.2, total extent of Ac.31.47 cents, situated in Survey Nos.31 & 5,6,9 of Chennuru Village, Pedana Mandal, Krishna District, is illegal and arbitrary.

2. Heard learned counsel for petitioners and learned Government Pleader for Fisheries.

3. Learned counsel for the petitioners submitted that the issue involved in this writ petition is squarely covered by the order dated 02.04.2001 passed by this Court in WP No.13450 of 2010.

4. Perused the material on record and the order dated 02.04.2001 passed by this Court in WP No.13450 of 2010 and paragraph Nos.2 to 4 of the order reads thus:

“ 2. It is the case of the petitioners that they converted their agricultural lands into fish tanks and also applied for permission in accordance with G.O.Ms.No.18, Animal Husbandry, Dairy Development

and Fisheries (Fish.II) Department, dated 23.02.2010. Since no permission was accorded within two months, they went ahead with the activity under the deeming provision of the said G.O.

3. Now, the government has issued G.O.Ms.No.7, Animal Husbandry, Dairy Development & Fisheries (Fish.II) Department, dated 16.03.2013, regulating the aquaculture activities in agricultural lands. Hence, the petitioners are given liberty to apply for permission/ renewal as and when need arises under the said G.O. and the respondents are directed to take action accordingly.

4. With the above observation, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand dismissed in consequence. No order as to costs."

5. In the light of the order dated 02.04.2014 passed in WP No.13450 of 2010, the writ petition is disposed of giving liberty to the petitioners to apply for permission/renewal in accordance with G.O.Ms.No.7 Animal Husbandry, Dairy Development & Fisheries (Fish.II) Department, dated 16.03.2013, and the respondents are directed to dispose of the same in accordance with law. No costs.

6. Miscellaneous Petitions, if any pending, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

24th October, 2018
Mjl/*