

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

FRIDAY , THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND ELEVEN

:PRESENT:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WP .NO:1241 of 2011

Between:

Krishnapuram Neeti Sangham, Rep by its President, Pamula Nageswara Rao, S/o. Marayya, Suryachandrarao Pet Village,, Krishnapuram, Dwarakathirumala Mandal, West Godavari District .

..... Petitioner

AND

- 1 The Government of Andhra Pradesh, Rep by its Secretary, Irrigation and Command Area Development, Secretariat Buildings, Hyderabad
- 2 The District Collector, West Godavari, Eluru
- 3 The Secretary, Gram Panchayat, Pangidigudem, Dwarakathirumala Mandal, West Godavari District
- 4 The Deputy Executive Engineer, Irrigation Circle, Eluru, West Godavari District

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.2 in issuing the Proceedings No. 1022/A2/2009, dt. 18.12.2010 of the District Collector, West Godavari, Eluru, the 2nd respondent herein in leasing out the Krishnapuram Tank, Suryachandrarao Pet Village, Pandigudem Panchayat, Dwarakathirumala Mandal, West Godavari District is illegal, arbitrary, erroneous, highhanded and violation of the provisions of A.P. Farmers Management of irrigation Systems Act, 1997 and other proceedings issued by the Government from time to time and also violative of the judgment rendered by this Hon'ble Court in Writ Petition No. 20746 of 2006, dt. 6.2.2007 and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the fishing rights of Krishnapuram Tank situated in Suryachandrarao Pet Village, Pangidigudem Panchayat, Dwarakathirumala Mandal, West Godavari District;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI Y.V.RAVI PRASAD Advocate for the Petitioner and of the Asst. Govt. Pleader for Panchayat Raj for the respondents, the Court made the following:

ORDER: Prima facie, the tank in question is vested in the gram panchayat under Section 80 of the Andhra Pradesh Panchayat Raj Act, 1994. However, the petitioner-association has specifically mentioned that as it was allowed to exercise the fishery rights over the tank, they have left the fish seed in the month of September, 2010 and that auction of the fishery rights by the gram panchayat in pursuance of the impugned order would affect their interest.

**Learned Assistant Government Pleader for Panchayat Raj
seeks time for instructions in this regard.**

Post on 11-02-2011.

**Pending further orders, the parties are directed to maintain
status quo with respect of the fishing rights over the Krishnapuram
Tank, Suryachandrapuram village, Pandigudem Panchayat,
Dwarakathirumala Mandal, West Godavari District.**

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1.The Secretary, Irrigation and Command Area Development, Govt. of
A.P.

Secretariat Buildings, Hyderabad

2 The District Collector, West Godavari, Eluru

3 The Secretary, Gram Panchayat, Pandigudem, Dwarakathirumala
Mandal, West Godavari District

4 The Deputy Executive Engineer, Irrigation Circle,
Eluru, West Godavari District (1 to 4 by RPAD)

5.2 CCs to the G.P. for Panchayat Raj, High court of A.P.Hyd. (O.UT)

6.One C.C.to Sri Y.V. Ravi Prasad Advocate (OPUC)

7.one spare copy.

Bsr

HIGH COURT

CVNR.J

DATED 28-01-2011

POST ON 11-02-2011

ORDER

W.P.NO. 1241 OF 2011

STATUS QUO

Bsr
Dt. 31-1-2011

HIGH COURT

CVNR.J

DATED 28-01-2011

POST ON 11-02-2011

ORDER

W.P.NO. 1241 OF 2011

STATUS QUO