

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos.770 of 2016, 1582 of 2016 and 33278 of 2017

COMMON ORDER:

Since the issue involved in all these writ petitions is inter-connected, they are disposed of by a common order.

2. W.P.No. 770 of 2016 came to be filed by the petitioners therein seeking a direction to the officials not to grant permission to the 6th respondent (petitioner in W.P.No. 33278 of 2017), by converting their agricultural land into fish tanks, contrary to G.O.Ms.No.7, dated 16.03.2013 in Ac.23.39 cents in Survey Nos. 1300, 1293, 1289, 1282/ 2, 1299, 1283/ 2 and 1290 situated in Veerammakunta Village, Pedapadu Mandal, West Godavari district. At the time when W.P.No. 770 of 2016 was filed, questioning the provisional permission granted to the 6th respondent.

3. Subsequently, W.P.No. 1582 of 2016 came to be filed by the residents of Veerammakunta Village questioning the licence granted to the petitioner in W.P.No. 33278 of 2017 (3rd respondent in W.P.No. 1582 of 2016) on 26.12.2015 for doing fish culture in the land in dispute. Pending such proceedings, order dated 02.05.2016 came to be passed, canceling the provisional permission granted to the petitioner, which is challenged in W.P.No. 33278 of 2017.

4. Coming to W.P.No. 33278 of 2017, the main ground urged by the learned counsel for the petitioner is that the show cause notice dated 05.03.2016, said to have been issued to the petitioner, was never served on him. According to him, cancellation of the

provisional permission granted to the petitioner would not arise, since the land of the petitioner is surrounded by fish tanks, which are run by the petitioners in the other two writ petitions. It is his plea that the agricultural land of the petitioner, which is in between all the fish tanks, is of no use, and therefore, has made an application to the respondents seeking permission to convert his agricultural land into fish tank, for which provisional permission was granted, and subsequently, in view of the stay granted in W.P.No. 770 of 2016, the said permission was cancelled.

5. Before taking into consideration the interim order passed by this Court in W.P.No. 770 of 2016, a counter came to be filed by the official respondents disputing the averments made by the petitioner in W.P.No. 33278 of 2017. According to the respondents, a show cause notice was issued to the petitioner on 05.03.2016. However, the affidavit filed in support of the writ petition is silent as to when the show cause notice was served on the petitioner.

6. Having regard to the above circumstances, since the petitioner in W.P.No. 33278 of 2017 has now come to know about the issuance of the show cause notice dated 05.03.2016, he shall submit his explanation to the same within a period of fifteen days from today, in which event, the concerned authority shall deal with the provisional permission to be granted to the petitioner, in accordance with law, after hearing the villagers or the aggrieved persons, i.e., the neighbouring land owners. It is needless to mention that the writ petitioners in the other two writ petitions as well as the aggrieved

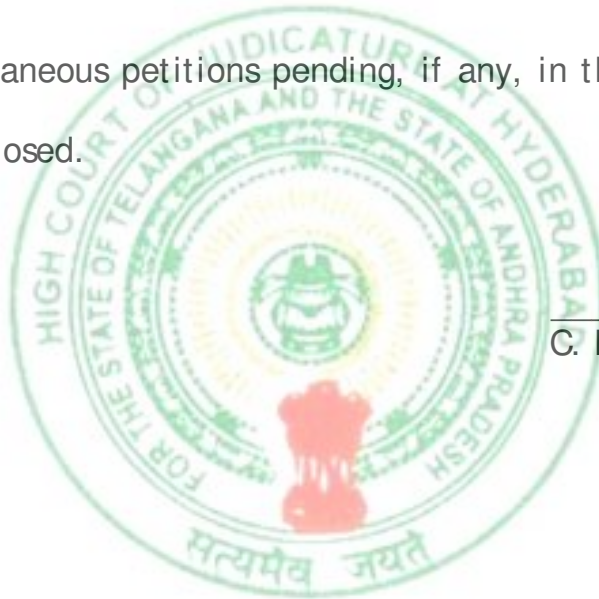
persons shall be given an opportunity to submit their objections, if any.

7. Accordingly, W.P.No. 33278 of 2017 is disposed of. No order as to costs.

8. In view of the cancellation of the provisional permission granted to the petitioner in W.P.No. 33278 of 2017, vide proceedings dated 02.05.2016, nothing survives for adjudication in W.P.Nos. 770 and 1582 of 2016, and accordingly, the same are dismissed as infructuous. No order as to costs.

9. Miscellaneous petitions pending, if any, in these writ petitions shall stand closed.

24.12.2018
DMG



C. PRAVEEN KUMAR, J

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

109

WRIT PETITION No.38570 OF 2018

Date: 30.10.2018

Gk

