

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39544 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in trying to demolish the aqua cultural ponds of the petitioner, in an extent of 0.94 hectares, situated in Survey No. 908/ 1, 911/ 3 and 906/ A of Utukuru Village, Vidavaluru Mandal, SPSR Nellore district, as illegal, improper and incorrect.

2. By an order dated 02.11.2018, this Court, while directing the Government Pleader to get instructions, ordered status quo to be maintained with regard to possession.

3. Today, the Government Pleader placed on record the instructions received from the Office of the Joint Director, Fisheries, wherein it is stated that the officials of the Fisheries Department visited the site on 16.10.2018 but not on 29.10.2018, as stated in the affidavit, and enquired into the issue, and noted that the petitioner obtained permission from the Coastal Aqua Cultural Authority, Chennai for doing aquaculture in 0.65 hectares of land in Survey Nos. 908/ 1, 911/ 3, 906/ A, but not for 0.94 hectares, as stated by the

petitioner. It is further stated that he is doing unauthorized aquaculture in Survey Nos. 907-2-1 and 907-1A, in an extent of 1,244 hectares on his own land and in other survey numbers which belong to his family members. Having regard to the above, the authorities instructed the petitioner not to take up aquaculture only in Survey Nos. 907-2-1 and 907-1A. However, the authorities have not instructed the petitioner to stop the aquaculture in Survey Nos. 908/ 1, 911/ 3 and 906/ A, in an extent of 0.65 hectares, for which permission has been obtained from the Costal Aqua Culture Authority, Chennai.

4. As seen from the affidavit, the issue is not whether the petitioner is carrying on aquaculture business without permission, but whether the petitioner was granted permission to do aquaculture business in Survey Nos. 908/ 1, 911/ 3 and 906/ A of Utukuru Village, Vidavaluru Mandal, SPSR Nellore district. A perusal of the letter addressed by the Joint Director of Fisheries would show that permission was granted to the petitioner to carry on aquaculture in the above mentioned survey numbers, while instructing the petitioner not to take up aquaculture in Survey Nos. 907-2-1 and 907-1A, to an extent of 1,244 hectares. Hence, the authorities are directed not to interfere with the aquaculture business being carried on by the petitioner in Survey Nos.

908/ 1, 911/ 3 and 906/ A of Utukuru Village, Vidavaluru Mandal, SPSR Nellore district. It is needless to mention that if the petitioner is carrying on aquaculture business in other survey numbers for which permission has not been accorded, the authorities are at liberty to proceed against the petitioner in accordance with law.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

13.11.2018
DMG



JUSTICE C. PRAVEEN KUMAR