

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39567 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 1st petitioner, in an extent of 1.86 hectares in Survey No. 913, the 2nd petitioner, in an extent of 1.25 hectares in Survey Nos. 913, 912 and 818, the 3rd petitioner, in an extent of 0.45 hectares in Survey No.827/ B1 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 and enquired into the issue, and noticed that the petitioners obtained permission from the Coastal Aqua Cultural Authority, Chennai for doing aquaculture in 1.11 hectares of

land in Survey Nos. 913 but not for 1.98 hectares, in 0.81 hectares in Survey Nos. 913, 912 and 818 but not for 1.25 hectares, and 0.27 hectares but not 0.45 hectares in Survey No.827/ B1, as stated by the petitioners. It is further stated that the 3rd petitioner is doing unauthorized aquaculture in Survey Nos. 827/ B2 and 818, in an extent of 1.86 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 3rd petitioner not to take up aquaculture only in Survey Nos. 827/ B2 and 818. However, the authorities have not instructed the petitioners to stop the aquaculture in Survey Nos. 913, 912, 818 and 827/ B1, 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 petitioners are carrying on aquaculture business without permission, but whether the petitioners were granted permission to do aquaculture business in Survey Nos. 913, 912, 818 and 827/ B1 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 petitioners to carry on aquaculture in the above mentioned survey numbers, while instructing the petitioners not to take up aquaculture in Survey Nos. 827/ B2

and 818, in an extent of 1.86 hectares. Hence, the authorities are directed not to interfere with the aquaculture business being carried on by the petitioners in Survey Nos. 913, 912, 818 and 827/B1 of Utukuru Village, Vidavaluru Mandal, SPSR Nellore district. It is needless to mention that if the petitioners are carrying on aquaculture business in other survey numbers for which permission has not been accorded, the authorities are at liberty to proceed against the petitioners 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