

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.34780 OF 2017

ORDER:

Heard learned counsel for the petitioner, the learned Government Pleader for respondents 1 to 6 and the learned counsel for the seventh respondent.

It is the case of the petitioner that he runs fisheries business in Utlā Cheruvu Revenue Village, Mandavalli Mandal, Krishna District. The fish tank of the petitioner is spread over 63 acres and the same was developed after entering into the lease agreement with various land owners. Out of the said extent, an extent of Acs.2.47 cents was leased out by one Hanumanthu and the lease was entered after verifying the title of the lessor. The petitioner obtained certificate of provisional registration of fresh water aquaculture farm for 63 acres from the first respondent on 11.05.2016. Thereafter, he applied for final registration and the said application was pending. In the meanwhile, the petitioner commenced his business operations after investing substantial amount into the same. When the petitioner was issued an urgent show cause notice on 09.10.2017 by the fifth respondent stating that in view of the pendency of W.P.Nos.1105 of 2009 and 11883 of 2009, it has come to the notice of the Authorities that the petitioner has been cultivating the fish without obtaining final registration and he was directed to catch the fish immediately after receipt of the said notice within a period of fifteen days and he was also directed to close the tank. Challenging the same, the present writ petition was filed.

This Court, by order, dated 25.10.2017, directed the learned Government Pleader to inform this Court with regard to extent where the aqua activity is being continued in the absence of final permission, the age of the fish and when it is likely to come up for catch. The Government

Pleader did not file the report as directed, which clearly shows that the Government is indirectly supporting the petitioner.

This is an admitted case that the petitioner is not having final registration and without final registration, he should not have converted the land for fishing activity. Now it is brought to the notice of this Court by the learned counsel for the seventh respondent that the petitioner filed another writ petition i.e., W.P.No.37520 of 2017 challenging the rejection of the application of the petitioner and this Court disposed of the said writ petition on 08.11.2017 giving liberty to the petitioner to avail an alternative remedy of law under G.O.Ms.No.15, Animal Husbandry, Dairy Development and Fisheries Department, dated 26.05.2015, if he is so advised.

In the absence of any final registration, the petitioner should not have been allowed to undertake aquaculture activity and non-filing of the status report by the learned Government Pleader in spite of direction of this Hon'ble Court, clearly shows the negligent attitude of the respondents.

In the circumstances, the second respondent is directed to conduct enquiry with regard to the circumstances, under which, the respondents 3 to 6 permitted the petitioner to convert the land and if any, negligence is found in their conduct, appropriate departmental action shall be taken against them.

The writ petition is accordingly dismissed with the above observations. Consequently, miscellaneous petitions, if any pending, in the writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

20.04.2018
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