

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 42193 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents 3 to 7 in interfering with the petitioner's schedule fish tank admeasuring Ac.2.04 cents situated in R.S.No.235/ 2 and 235/ 3, Kakileru Village, Iragavaram Mandal, West Godavari District, as illegal, improper, arbitrary and violative of principles of natural justice.

2) Learned counsel for the petitioner would submit that since the petitioner had obtained an injunction order against the unofficial respondents, they are now taking the aid of official respondents and interfering with the activity of the petitioner in fish tank located in R.S.No.235/ 2 and 235/ 3 of Kakileru Village.

3) The Government Pleader for Fisheries would submit that the allegation made against the official respondents is false and that any interference by the authorities shall only be in accordance with law.

4) A perusal of the written instructions placed by the Government Pleader for Fisheries would show that basing on the recommendations of the Mandal Level Committee to District Level Committee, provisional permission dated 21.11.2014 was being granted. Basing on the provisional permission, the final permission

was granted on 23.02.2016. It is said that the petitioner is utilizing the East side channel for letting out the water from the tank and some of the farmers of the same area are also using this channel water as inlet water source for agriculture purpose. This may cause damage to agriculture crop when released from the outlet of the petitioner tank. But however states that they are not interfering with the activities of the petitioner and if there any violation of circulars and orders passed by the authorities, definitely they will take steps in accordance with law.

5) Having regard to the above, the writ petition is disposed of directing the respondents 2 to 7 not to interfere with the fish tank of the petitioner, except in accordance with the procedure established under law.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

28.11.2018
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