

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 43802 of 2018

ORDER:

- 1) Challenging the order impugned viz., rejection of the final registration of the new fresh Aqua culture farm on 29.11.2017, the present Writ Petition came to be filed.
- 2) The petitioner herein claims to be the absolute owner of the agricultural land measuring Ac.3.29 cents in Sy.No.337/1 of Chinapalaparru village, Mudinepalli Mandal, Krishna District. The petitioner applied for conversion of the above said land for fish tank and submitted all documents as required under G.O.Ms.No.7 as amended through G.O.Ms.No.15. Initially, provisional permission was granted on 05.07.2017. Pursuant thereto, the petitioner excavated the earth and prepared the fish pond for fresh water aqua culture. On 31.08.2017 the petitioner applied for final registration and again on 02.11.2017 in Form "C". Their inaction in considering the application, lead to filing of Writ Petition No.41460 of 2017. Pending the Writ Petition, the third respondent herein issued a notice dated 01.10.2018 stating that the petitioner has filled up the pond with water though no final registration has been granted and directed the petitioner to vacate the farm. Challenging the impugned notice, wherein the petitioner was directed to vacate the

farm, filed W.P.No.40039 of 2018. At the time when the said Writ Petition came for hearing, the Government Pleader presented an order, showing rejection of the application of the petitioner for final registration on 29.11.2017 itself. In view of the rejection, which the petitioner came to know only in November, 2018, the present Writ Petition is filed.

3) The main plank of the argument of the petitioner is that there was no deliberate intention in filing the Writ Petition with a delay. It is said that a single line order came to be passed stating that since all the members have not recommended, the application is rejected. The opinion expressed by the members, is not reflected in the impugned order. The order also does not say as to the number of persons present and the reason for rejection. This appears to be in gross violation of principles of natural justice, for the reason that the order not only without reasons, but no opportunity of hearing was given to the petitioner before rejecting the same. Atleast if an opportunity was given, the petitioner would have answered the queries if any, that are pointed out.

4) Hence, the order under challenge is set-aside and the matter is remanded back. Consequently, the authorities are directed to pass a reasoned order after giving an opportunity of hearing the petitioner and all concerned.

5) Since the claim of the petitioner is that he has already raised a crop in the subject land, and if that is true, neither the petitioner nor the unofficial respondent shall harvest the same until further orders to be passed by the authorities, which shall be within a period of one week or 10 days from the date of receipt of copy of this order.

6) With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel to it, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt:10.12.2018
GM

