APHC010158212026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Bench Sr.No:-28 [3584]

WP(PIL) NO: 68 of 2026

Sri Boddu Ramesh ...Petitioner

Vs.

The State of AP and others ...Respondent(s)

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CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE CHALLA GUNARANJAN

DATE : 10th November, 2026.

Present :

Advocate for Petitioner: Mr. Kallemu Vijaya Raju

Advocate(s) for Respondent(s): GP for Fisheries

LISA GILL, CJ:

Prayer in this writ petition, filed by way of public interest, reads as under:

> *" issue a writ Order or Direction more particularly one in the nature of writ of Mandamus or any other appropriate writ: (a) declaring the inaction and the inordinate delay of the Respondents 4 and 5 in taking prompt action against illegal digging of Fish/Shrimp tanks in Chorampudi village and other three villages in the vicinity as this will result in contamination of Panta Kaluva which supplies drinking water to 3 villages as illegal and not in accordance with law; (b) declaring the illegal digging of the agriculture lands in Chorampudi village unauthorisedly and illegally as without authority as such units that were established without following the due process as per Statute and Guidelines issued. (c) Direction to Respondent 4 and 5 to initiate penal action against Respondent 7 for illegal digging of the fish ponds without obtaining permissions and pass"*

2. Arguments raised by learned counsel for petitioner are that there has been illegal digging of fish/shrimp tanks in Chorampudi Village along with three other villages which has lead to contamination of drinking water. No objections whatsoever were called for from people of the area before affording permission to concerned persons for carrying on with shrimp farms. Reference is made to G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department dated 16.03.2013, whereby guidelines to consider cases for regularization of existing unregistered fresh water aquaculture farms and also for registering fresh water aquaculture farms were issued.

3. It is submitted that as per Clause 7.9 of G.O.Ms.No.7, fresh water aquaculture farms should maintain a minimum distance of at least 10 meters from nearest drinking water source. Moreover, objections of neighboring agricultural lands/ adjacent landholders have to be called for by publishing a notice for 15 days on notice board of District Fisheries Officer. Thereafter, objections, if any received, have to be considered and disposed of by District Level Committee before registration. This procedure, it is submitted, was not followed. It is thus prayed that this Writ Petition be allowed as prayed for.

4. Counter-affidavit by respondent No.5 has been filed, denying the allegations. It is stated therein that a joint field inspection was conducted on 08.01.2026 by Joint Director of Fisheries, Fisheries Development Officer, Bantumilli and Village Fisheries Assistant, Chorampudi. No illegal excavation

activity was found to be in progress in the area. Physical status of land was verified by inspection team and intimation given to petitioner on 23.01.2026 in this regard. Departmental authorities, it is stated, have acted promptly upon receipt of representation and have undertaken field verification to ensure that there is no violation of applicable Rules. Reference was made to Andhra Pradesh State Aquaculture Development Authority Act, 2020 (for short, “APSADA Act, 2020”).

5. We have heard learned counsel for parties and have perused the file with their able assistance.

6. It is a matter of record that APSADA Act, 2020 was promulgated for establishment of Andhra Pradesh State Aquaculture Development Authority and to provide for matters connected therewith or incidental thereto. Pursuant to notification of APSADA Act, 2020, APSADA Rules, 2020 were also notified.

7. Chapter VI of 2020 Act deals with issuance of licenses for doing aquaculture, license for doing aquaculture business, license fee, duration of license/ endorsement, suspension/ cancellation of licenses.

8. Chapter IV of 2020 Rules deals with issuance of licenses/ endorsements etc.

9. After promulgation of statute and Rules as above, G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (FISH.II) Department, dated 16.03.2013, would necessarily have to succumb to the same as it is obviously

the said statute and Rules framed thereunder which shall govern subject matter.

10. It was specifically pointed out by learned counsel for official respondents that licenses in question had been issued in strict compliance of statute and above said Rules and that as per said provisions there is no requirement of seeking objections from neighbouring/ adjacent landholders in case of license to be granted within aquaculture zone.

11. It is specifically stated in counter-affidavit filed by respondent No.5 that upon field inspection conducted on 25.03.2026 by Fisheries Development Officer, Bantumilli and Village Fisheries Assistant, Chorampudi, aquaculture tank under construction was maintaining approximately 10 meters distance from Panta Kaluva and that dyke itself measured approximately 5 meters in width, thereby providing additional separation. It is also specifically stated in said counter-affidavit that Fisheries Department has not granted any license in violation of statutory Rules. All licenses are issued subject to strict compliance with statutory and environmental safeguards and in case of any violation found action can be initiated under Section 26 of 2020 Act which can include suspension/ cancellation of license.

12. Learned counsel for petitioner was unable to point out anything contrary thereto on record.

13. On a pointed query to learned counsel for petitioner to indicate any specific material on record to show that quality of drinking water in the area

had been affected, he was unable to refer to any, except to say that there is a significant deterioration in its quality. Be that as it may, given the fact that even authorities have not placed on record any test reports to show quality of drinking water, it is directed that concerned authorities shall carry out testing of drinking water in the area within next four (4) weeks, and in case that drinking water quality is found to be unfit for human consumption, first and foremost action shall be taken for providing potable water to the residents as a temporary measure till permanent steps are taken to ensure the provision of potable water to all inhabitants, liberty is also afforded to petitioner to approach authorities with specific material in regard to quality of drinking water being affected, which shall also be considered by authorities immediately, in accordance with law.

14. Writ Petition (PIL) is accordingly disposed of.

No costs. Pending miscellaneous application(s), if any, stand(s) closed.

LISA GILL, CJ.

CHALLA GUNARANJAN, J.

Date: 10.11.2026

SSN

Whether the order is Speaking/Reasoned : Yes

Whether the order is Reportable : No