

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TWENTY NINTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA
WRIT PETITION NO: 5143 OF 2024



Between:

1. Gottumukkala Ranga Raju, S/o.late Suryanarayana Raju, aged about 58 years, R/o. D.No.1-15, Main Road, Polukonda village, Nandivada Mandal, Krishna District
2. Gottumukkala Viswanadha Raju, S/o Ranga Raju, aged about 36 years, R/o. D.No.1-15 Main Road, Polukonda village, Nandivada Mandal, Krishna District

...Petitioners

AND

1. State of Andhra Pradesh, rep. by its Secretary, Animal Husbandry, Dairy Development and Fisheries Department, Secretariat, Velagapud, Guntur District
2. District Collector, Krishna District, Machilipatnam
3. Tahsildar, Nandivada Mandal, Nandivada, Krishna District
4. Dandiganapudi Gram Panchayat, Nandivada Mandal, Krishna District rep.by its Secretary
5. Village Revenue Officer, Dandiganapudi, Nandivada Mandal, Krishna District
6. Ponukumadu Gram Panchayat, Nandivada Mandal, Krishna District rep.by its Secretary
7. Joint Director, Fisheries Department, Machilipatnam, Krishna District, Eluru
8. Fisheries Development Officer, Nandivada village and Mandal, Krishna District

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the Respondents 2 to 8 in not taking any action on the representations submitted by them from time to time including the one dt 30.10.2023, 11.12.2023 for conducting survey and fixing boundaries and bifurcating our land of an extent of Ac.4.61 cts in S.Nos.351-1 and 351-2A situate in Dandiganapudi village, Nandivada Mandal, Krishna District and allowing unauthorized prawn culture without any permission whatsoever under the provisions of Andhra Pradesh State Aquaculture Development Authority Act, 2020 R/w. Rules framed thereunder and the orders of the 1st Respondent issued from time to time on the subject including the one in G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dt,16.03.2013 in the land of extent of about Ac.32.00 cts in S.Nos.348-1, 348-IA, an 348-2, 350,349-1, 349-IA, 349-2, 265-1, 265-2, 265-3, 266 situate in the said village as illegal, arbitrary, etc;

IA NO: 2 OF 2024:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondent Nos.2 to 5, 7 and 8 to stop illegal aquaculture/prawn culture in the land of an extent of about Ac.32.00 cts in S.Nos.348-1, 348-IA, 348-2,

350,349-1, 349-1A, 349-2, 265-1, 265-2, 265-3, 266 situate in Dandiganapudi village, Nandivada Mandal, Krishna District which is admittedly being carried on without any permissions as required Andhra Pradesh State Aquaculture Development Authority Act, 2020 R/w. Rules framed thereunder and the orders of the Respondent issued from time to time on the subject including the one in G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dt: 16.03.2013 without bifurcating land of Petitioners of an extent of Ac.4.61 cts in S.Nos. 351-1 and 351-2A situate in the said village, pending disposal of WP.No.5143 of 2024, on the file of the High Court.

IA NO: 3 OF 2024:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 6th Respondent to remove the iron barbed wire fencing on the Gram Panchayat gravel road blocking way to lands of Petitioners in an extent of Ac. 4.61 cts in S.No.s351-1 and 351-2A situate in Dandiganapudi village, Nandivada Mandal, Krishna District, pending disposal of WP.No.5143 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri V.V.L.N.Sarma, Advocate for the Petitioners and GP for Fisheries for the Respondents, the Court made the following;

ORDER:

“At the time of hearing, learned Government Pleader for Fisheries has produced a copy of instructions of the Fisheries Development Officer, Nandivada, wherein it is stated that basing on the Spandana petition, Fisheries Development Officer, Nandivada made a field visit along with revenue department officials, but failed to state on which date they have conducted a field visit and the date of the Spandana petition etc.

In view of the same, the Fisheries Development Officer, Nandivada is directed to appear before this Court on 04.03.2024 along with records to explain as to what action has been initiated by them in pursuance of the representations submitted by the petitioners on 30.10.2023 and 11.12.2023 for conducting survey and fixing boundaries.

Post the matter on 04.03.2024 under the caption ‘for appearance’.”

//TRUE COPY//

For

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

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To,

1. The Secretary, State of Andhra Pradesh, Animal Husbandry, Dairy Development and Fisheries Department, Secretariat, Velagapudi, Guntur District
2. The District Collector, Krishna District, Machilipatnam
3. The Tahsildar, Nandivada Mandal, Nandivada, Krishna District
4. The Secretary, Dandiganapudi Gram Panchayat, Nandivada Mandal, Krishna District.
5. The Village Revenue Officer, Dandiganapudi, Nandivada Mandal, Krishna District
6. The Secretary, Ponukumadu Gram Panchayat, Nandivada Mandal, Krishna District.
7. The Joint Director, Fisheries Department, Machilipatnam, Krishna District, Eluru
8. The Fisheries Development Officer, Nandivada village and Mandal, Krishna District **(directed to appear before this Court on 04.03.2024 along with records)** (Addressee Nos. 1 to 8 by **SPEED POST**)
9. One CC to Sri. V.V.L.N. Sarma, Advocate [OPUC]
10. Two CCs to GP for Fisheries, High Court of Andhra Pradesh. [OUT]
11. Two CCs to GP for Revenue, High Court of AP [OUT]
12. One spare copy

MM

HIGH COURT

VS,J

DATED:29/02/2024

NOTE: POST THE MATTER ON 04.03.2024 UNDER THE CAPTION FOR
APPEARANCE

ORDER

WP.No.5143 of 2024

APPEARANCE

