

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
FRIDAY, THE TWENTY NINTH DAY OF APRIL,
TWO THOUSAND AND TWENTY TWO
:PRESENT:
THE HONOURABLE SRI JUSTICE M.GANGA RAO
WRIT PETITION NO: 12453 OF 2022



Between:

1. Gorrela Vijaya Bhaskhar, S/o. Nageswararao, aged 32 years, Occ: Agriculture, R/o. H.No. 2-88, Ramalayam Street, Kakarlamudi Village, Ungutur Mandal, West Godavari District.
2. Koyyana Narasimhamurthy, S/o. Subbarao, aged 40 years, Occ: Agriculture, R/o. H.No. 2-40/1, Ramalayam Street, Kakarlamudi Village, Ungutur Mandal, West Godavari District.
3. Koyyana Appanna, S/o Somulu, Occ: Agriculture, aged 36 years, R/o. H.No. 2-97, Ramalayam Street, Kakarlamudi Village, Ungutur Mandal, West Godavari District

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary Fisheries, Dairy Development and Animal Husbandry Department, Secretariat Buildings, Velagapudi, Tullur Mandal, Guntur District.
2. The District Level Committee for Registration of Aquaculture West Godavari District, Eluru rep., by it Chairman cum District Collector West Godavari District, Eluru
3. The Joint Director of Fisheries And Member Convener, District Level Committee West Godavari District, Eluru Postal Colony, Srinivasa Nagar, Eluru,
4. The Mandal Level Committee Fresh Water Aquaculture, Ungutur Mandal Rep., by its Chairman-cum-Tahsildar Unguturu Mandal, West Godavari District
5. Fisheries Development Officer and Convene, Mandal Level Committee Fresh Water Aquaculture Kakarlamudi village, Unguturu Mandal, West Godavari District.
6. Thota Rama Rao, @ KittapuramRamulu . S/o Apparao, aged 55 years, V.A.Puram village, Unguturu Mandal West Godavari District,
7. Thota Ratnamaniyam, W/o Ramarao @ KittapuramRamulu, Aged 50 years, V.A.PuramVillage, Unguturu Mandal West Godavari District.

...Respondents

WHEREAS the Petitioners above named through their Advocate Sri V.SATYANARAYANA NEKKANTI presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, or Order, or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of the respondents in preventing the digging and forming fish/prawn tanks in R.S. Nos.367/1A, 367/1B1, 367/1B2B, 366/1C1 to an extent of Ac. 3.37 cents situated at Kakarlamudi village, of Unguturu Mandal, West Godavari District and Which is illegal, arbitrary and violative of G.O.Ms.No.7 Animal Husbandry, Dairy Development and Fisheries (Fish-II) Dept., dated 16-03-2013 and Andhra Pradesh State Aquaculture Development Authority Act, 2020 and Articles 14,21 of the Constitution of India and consequently direct the Respondents to stop the digging and other aquaculture activities of the Respondents Nos. 6 and 7 to take steps to see that these lands remain agricultural lands for growing crops only while restoring the damaged lands to original status.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri V.Satyanarayana Nekkanti, Advocate for the Petitioners and GP for Fisheries for the Respondent Nos.1 to 5, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary Fisheries, Dairy Development and Animal Husbandry Department, Secretariat Buildings, Velagapudi, Tullur Mandal, Guntur District.
2. The Chairman cum District Collector, District Level Committee for Registration of Aquaculture West Godavari District, Eluru West Godavari District, Eluru
3. The Joint Director of Fisheries and Member Convener, District Level Committee West Godavari District, Eluru Postal Colony, Srinivasa Nagar, Eluru,
4. The Chairman-cum-Tahsildar, Mandal Level Committee Fresh Water Aquaculture, Unguturu Mandal Unguturu Mandal, West Godavari District
5. The Fisheries Development Officer and Convene, Mandal Level Committee Fresh Water Aquaculture Kakarlamudi village, Unguturu Mandal, West Godavari District.
6. Thota Rama Rao, @ Kittapuram Ramulu . S/o Apparao, V.A.Puram village, Unguturu Mandal West Godavari District,
7. Thota Ratnamanikyam, W/o Ramarao @ Kittapuram Ramulu, V.A.Puram Village, Unguturu Mandal West Godavari District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 30.06.2022, on which date the case stands posted for hearing.

IA NO: 1 OF 2022

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 official respondents to stop all activities connected to aqua culture including digging of the fish/prawn tanks in R.S. Nos. 367/1A, 367/1B1, 367/1B2B, 366/1C1 to an extent of Ac. 3.37 cents situated at Kakarlamudi village, of Unguturu Mandal, West Godavari District in the interest of justice, pending disposal of WP No.12453 of 2022, on the file of the High Court.

**The Court made the following:
ORDER:**

"Notice before admission.

Learned Assistant Government Pleader for Fisheries takes notice for the respondents 1 to 5, waives further notice and seeks time to file counter.

Learned counsel for the petitioners is permitted to take out personal notice to the respondents 6 & 7 by 'RPAD' and file proof of service.

The grievance of the petitioners is that respondents 6 & 7, who are neighbouring land owners of the petitioners, dug the fish tanks in their lands contrary to the guidelines issued in G.O.Ms.No.7 dated 16.03.2013 against which petitioners made complaint to the respondent authorities stating that in the event of conduct of fish culture by the respondents 6 & 7 in their lands without having separate bode for letting out polluted fish tank water and if they resort to let out the polluted water in the irrigation canal, the petitioners, who are downstream users of the irrigation canal water, their crops will be damaged. Based on the said complaint, the Joint Director of Fisheries addressed a letter to the Tahasildar/Chairman, Mandal Level Committee, AP SADA Act, 2020 wherein it is informed that some aqua farmers of Kakarlamudi village of Unguturu Mandal have dug the fish tanks over and above the permitted area illegally and referred to the names of the aqua farmers and requested the Tahasildar to take immediate action to arrange to remove the above said illegal fish tank bunds under the provisions of AP SADA Act.

Learned counsel for the petitioners submits that inspite of said proceedings, the respondent authorities are not taking any action to prevent the respondents 6 & 7. Respondents 6 & 7 having given undertaken to the authorities

on 21.01.2002, that they will not take up any fish culture in the fish tanks, in violation of the said undertaking are resorting to illegal aquaculture.

Having considered the facts and circumstances of the case, submissions of the learned counsel and on perusal of the material record, this Court is prima facie satisfied that the petitioners have shown sufficient cause for grant of interim order.

Accordingly, there shall be interim direction as prayed for.

Post on 30.06.2022."

//TRUE COPY//

Sd/-T.Madhavi
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary Fisheries, Dairy Development and Animal Husbandry Department, Secretariat Buildings, Velagapudi, Tullur Mandal, Guntur District.
2. The Chairman cum District Collector, District Level Committee for Registration of Aquaculture West Godavari District, Eluru West Godavari District, Eluru
3. The Joint Director of Fisheries and Member Convener, District Level Committee West Godavari District, Eluru Postal Colony, Srinivasa Nagar, Eluru,
4. The Chairman-cum-Tahsildar, Mandal Level Committee Fresh Water Aquaculture, Ungutur Mandal Unguturu Mandal, West Godavari District
5. The Fisheries Development Officer and Convene, Mandal Level Committee Fresh Water Aquaculture Kakarlamudi village, Unguturu Mandal, West Godavari District.
6. Thota Rama Rao, @ Kittapuram Ramulu . S/o Apparao, V.A.Puram village, Unguturu Mandal West Godavari District,
7. Thota Ratnamanikyam, W/o Ramarao @ Kittapuram Ramulu, V.A.Puram Village, Unguturu Mandal West Godavari District. (Addressee Nos.1 to 7 by RPAD- along with a copy of petition and affidavit)
8. One CC to Sri. V.Satyanarayana Nekkanti, Advocate [OPUC]
9. Two CCs to GP for Fisheries, High Court of Andhra Pradesh. [OUT]
10. One spare copy

MM

HIGH COURT

MGRJ

DATED:29/04/2022

NOTE: POST ON 30.06.2022

NOTICE BEFORE ADMISSION

WP.No.12453 of 2022

INTERIM DIRECTION

