

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)**



FRIDAY, THE SIXTEENTH DAY OF JUNE,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 13615 OF 2023**

Between:

Motupalli Raghavulu, W/o.Motupalli Raju. Age: 54 years, Occ: Agriculture, R/o. Kuppanapudi Village, Akividu Mandal, West Godavari District, Andhra Pradesh - 534235

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Fisheries Department, 4th Block, Room No.188, Ground Floor, A.P.Secretariat Office, Velagapudi, Guntur District-522237.
2. The Commissioner of Fisheries, Government of Andhra Pradesh Poranki, Bunder Road, Vijayawada -521137.
3. The District Collector, West Godavari District at Eluru-534007
4. The Assistant Director of Fisheries, Bhimavaram, West Godavari District-534275
5. The Fisheries Development Officer, Akividu, West Godavari District-534235.
6. The Tahsildar, Akividu Mandal, Akividu West Godavari District-534235
7. Balla Ramya Deepika, W/o.Balaram, Aged about 28 years, R/o.Kuppanapudi Village, Akividu Mandal, West Godavari District - 534235

...Respondents

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 an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring inaction of the official Respondents in taking appropriate action against 7th Respondent, who is illegally digging aqua culture tank in Ac.2.98 cents in Sy.Nos.247/5, 6, 7, 8 and 9, 250/2, 3 and 5 of Kuppanapudi Village, Akividu Mandal, West Godavari District (i)without required permission and (ii) by closing the adjacent irrigation channels, which are the only irrigation source to cultivate Petitioner's adjacent lands i.e., Ac.0.52 cents in Sy.No.247/4 and Ac.0.72 cents in Sy.No.247/9, as illegal, unjust, arbitrary, discriminatory, irrational, without jurisdiction, and in violation of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the Respondents (i) to stop unauthorized digging of aqua culture tank by the 7th Respondent and (ii) not to close the said adjacent irrigation channels.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the official Respondents to stop unauthorized digging of Aqua Culture Tank by the Unofficial Respondent in her agricultural land of Ac.2.98 cents in Sy.Nos.247/5, 6, 7, 8 and 9, 250/2, 3, and 10 of Kuppanapudi Village, Akividu Mandal, West Godavari District and not to close the adjacent irrigation channels, which are the only irrigation source to cultivate Petitioner's lands i.e., Ac.0.52 cents in Sy.No.247/4 and Ac.0.72

cents in Sy.No.247/9 of Kuppanapudi Village, Akividu Mandal, West Godavari District, pending disposal of WP 13615 of 2023, 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 the order of the High Court order dated 01.06.2023 made herein and upon hearing the arguments of Mr. Bobbili Srinivas, Advocate for the Petitioner, and of GP FOR FISHERIES for Respondent Nos. 1, 2, 4 and 5 and of GP FOR REVENUE for Respondent Nos. 3 and 6 and the Court made the following

ORDER:

"Heard both sides.

Considering the submissions made, there shall be an interim direction to the 4th respondent to ensure that the respondents do not conduct the business of aqua-culture tanks or dig till 07.07.2023.

Learned counsel for the respondents seeks time for filing counter.

List the matter on 07.07.2023."

**Sd/-N.NAGAMMA
ASSISTANT REGISTRAR**

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Principal Secretary, Fisheries Department, The State of Andhra Pradesh, 4th Block, Room No.188, Ground Floor, A.P.Secretariat Office, Velagapudi, Guntur District-522237.
2. The Commissioner of Fisheries, Government of Andhra Pradesh Poranki, Bunder Road, Vijayawada -521137.
3. The District Collector, West Godavari District at Eluru-534007
4. The Assistant Director of Fisheries, Bhimavaram, West Godavari District-534275
5. The Fisheries Development Officer, Akividu, West Godavari District-534235.
6. The Tahsildar, Akividu Mandal, Akividu West Godavari District-534235
7. Balla Ramya Deepika, W/o.Balaram, Aged about 28 years, R/o.Kuppanapudi Village, Akividu Mandal, West Godavari District - 534235(Addressee Nos. 1 to 7 by RPAD)
8. One CC to SRI. SRINIVAS BOBBILI Advocate [OPUC]
9. Two CCs to GP FOR FISHERIES ,High Court Of Andhra Pradesh. [OUT]
10. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh.[OUT]
11. One spare copy.

PSD



HIGH COURT

NVJ

DATED:16/06/2023

NOTE: LIST THE MATTER ON 07.07.2023

ORDER

WP.No.13615 of 2023

INTERIM DIRECTION

