



**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

MONDAY, THE FOURTH DAY OF OCTOBER,
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO: 22330 OF 2021

Between:

Yerubandi Bapanna Naidu, S/o.Ganganna, Aged about 69 years, Occ: Agriculture,
R/o.Katrenupadu village, Razole Mandai, East Godavari District.

...Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principle Secretary, Animal Husbandry, Dairy Development and Fisheries Department, Secretariat at Velagapudi, Amaravati, Guntur District.
2. The District Level Committee for Registration of Aquaculture, East Godavari District at Kakinada, Rep. by its Chairman-cum-District Collector, East Godavari District at Kakinada.
3. The Deputy Director of Fisheries, Kakinada, East Godavari District.
4. The Assistant, Director of Fisheries, Razole, East Godavari District.
5. The Fisheries Development Officer, Razole, East Godavari District.
6. The Tahsildar, Razole Mandal, East Godavari District.
7. Sri Chennamsetti Kesavarao, S/o.Jagapathirao, aged 51 years, Occ: Business, R/o.D.No.70-15-34/1B, Suresh Nagar, NFCL Road, Kakinada, East Godavari District.

...Respondents

WHEREAS the Petitioner above named through his Advocate Sri M.DURGA PRASAD 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, order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in granting the provisional permission in favour of the 7th respondent vide Registration No.PRF011800034780, dated 13.03.2020 wherein granting permission for digging fresh water Aquaculture (Fish/prawn ponds) in Sy.No.558 to an extent of Ac 5.12cents in Ponnaramanda revenue village, Razole Mandal, East Godavari District without considering the objection petitions dated 13.5.2017 submitted by the petitioner as the same is illegal, arbitrary and also contrary to the G.O.Ms.No.7 Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department dated 16.3.2013 and amended G.O.Ms.No.15, Animal Husbandry, Dairy Development and Fisheries (Fish) Department dated 26.5.2015 and also G.O.Rt.No.129, Animal Husbandry, Dairy Development and Fisheries (F.II) Department, dated 30.3.2013 and G.O.Ms.No.48, dated 20.9.2016 and violation of principles of natural justice and without notice and consequently to set-aside the provisional permission vide Registration No.PRF011800034780, dated 13.03.2020 issued by the 2nd respondent.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri M.Durga Prasad, Advocate for the Petitioner and GP for Animal Husbandry for the Respondent Nos.1 to 5 and GP for Revenue for the Respondent No.6, 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 Principle Secretary, Animal Husbandry, Dairy Development and Fisheries Department, Secretariat at Velagapudi, Amaravati, Guntur District, State of Andhra Pradesh.
2. The Chairman-cum-District Collector, District Level Committee for Registration of Aquaculture, East Godavari District at Kakinada, East Godavari District at Kakinada.

3. The Deputy Director of Fisheries, Kakinada, East Godavari District.
4. The Assistant, Director of Fisheries, Razole, East Godavari District.
5. The Fisheries Development Officer, Razole, East Godavari District.
6. The Tahsildar, Razole Mandal, East Godavari District.
7. Sri Chennamsetti Kesavarao, S/o.Jagapathirao, R/o.D.No.70-15-34/1B, Suresh Nagar, NFCL Road, Kakinada, East 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 26.11.2021, on which date the case stands posted for hearing.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of the provisional permission vide Registration No.PRF011800034780, dated 13.03.2020 issued by the 2nd respondent in favour of the 7th respondent for digging fresh water Aquaculture (Fish /prawn ponds) in Sy.No.558 to an extent of Ac 5.12cents in Ponnamanda revenue village, Razole Mandal, East Godavari District, pending disposal of WP No.22330 of 2021, on the file of the High Court.

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

“Notice before admission.

Learned 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 petitioner is permitted to take out personal notice on the 7th respondent by ‘PRAD’ and file proof of service.

Learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of the agricultural land to an extent of Ac.6.91 cents situated in R.S.No.559/1, 559/2, 560/1 and 560/2 of Ponnamanda village of Razole Mandal, East Godavari District. He is carrying on agriculture by raising paddy and other crops. The 7th respondent is the neighbor of the petitioner. Towards Western side of the land of the petitioner, 7th respondent is having land to an extent of Ac.5.12 cents in Sy.No.558. The petitioner and 7th respondent are carrying on cultivation with canal irrigated water with double crop fertile agricultural lands. When the 7th respondent attempted to convert the agricultural land into fish pond, the petitioner filed OS.No.200 of 1998 on the file of Junior Civil Judge’s Court, Razole, seeking permanent injunction restraining the 7th respondent from converting the agricultural land into fish tanks. The suit was decreed by decree and judgment dated 05.05.2000. The same has become final. and obtained certificate of provisional registration, which allows him to dig the fish tanks in his land. The 7th respondent also filed OS.No.72 of 2017 on the file of Junior Civil Judge Court, Razole, for permanent injunction. The said suit was dismissed as not pressed. Subsequently, when the application of the 7th respondent for fresh water aquaculture farm was not being disposed of, 7th respondent filed WP.No.30962 of 2017. By orders dated 25.04.2018 the writ petition was disposed of directing the respondents therein to consider the application as per law. The petitioner submitted objections dated 13.05.2017, to the 2nd respondent. The 2nd respondent without considering the objections submitted by the petitioner on 13.05.2017 granted certificate of provision registration on 13.03.2020. If the 7th respondent is allowed to dig the fish ponds in the middle of the paddy fields, it will affect the paddy cultivation of the petitioner.

Learned Government Pleader for Fisheries states that in view of the new enactment viz., Andhra Pradesh State Aqua Culture Development Authority Act, 2020 [‘the Act’, for short] and the Rules made thereunder, the petitioner has

appeal remedy under Rule 27 of the Rules framed under the Act. As per the provisions of the Act, the 7th respondent could not proceed with the aquaculture without obtaining fresh licence.

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 petitioner has shown sufficient cause for grant of interim order of status quo.

Accordingly, there shall be an order of *status quo* obtaining as on today.

Post on 26.11.2021."

//TRUE COPY//

SD/- U.Sri Devi
ASSISTANT REGISTRAR


For ASSISTANT REGISTRAR

To,

1. The Principle Secretary, Animal Husbandry, Dairy Development and Fisheries Department, Secretariat at Velagapudi, Amaravati, Guntur District, State of Andhra Pradesh.
2. The Chairman-cum-District Collector, District Level Committee for Registration of Aquaculture, East Godavari District at Kakinada, East Godavari District at Kakinada.
3. The Deputy Director of Fisheries, Kakinada, East Godavari District.
4. The Assistant, Director of Fisheries, Razole, East Godavari District.
5. The Fisheries Development Officer, Razole, East Godavari District.
6. The Tahsildar, Razole Mandal, East Godavari District.
7. Sri Chennamsetti Kesavarao, S/o.Jagapathirao, R/o.D.No.70-15-34/1B, Suresh Nagar, NFCL Road, Kakinada, East Godavari District. (Addresses 1 to 7 by RPAD- along with a copy of petition and affidavit)
8. One CC to Sri. M.Durga Prasad, Advocate [OPUC]
9. Two CCs to GP for Animal Husbandary, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Revenue, High Court of AP [OUT]
11. One spare copy

MM

HIGH COURT

MGRJ

DATED:04/10/2021

NOTE: POST ON 26.11.2021

NOTICE BEFORE ADMISSION

WP.No.22330 of 2021

STATUS QUO

