

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

**WEDNESDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**



**:PRESENT:
THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI
IA NO. 1 OF 2023
IN**

WRIT PETITION NO: 20689 OF 2023

Between:

N. Rathnam Reddy, S/o. Late N. Byrappa Aged about 88 years, Occupation: Agriculture R/o.D.No. 4-20, Mamadugu Village & Post. Gangavaram Mandal, Chittoor District.

... Petitioner/s

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary Panchayath Raj Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The District Collector, (P.R.) Chittoor District, Chittoor.
3. The Mandal Parishad Development Officer. Gangavaram Mandal, Chittoor District
4. The Secretary, Gram Panchayath of Mamadugu, Gangavaram Mandal, Chittoor District.
5. The Sarpanch, Mamadugu Gram Panchayath Gangavaram Mandal, Chittoor District.

..Respondent/s

Counsel for the Petitioner : M/sS PARINEETA

Counsel for the Respondents 1 & 2: GP FOR PANCHAYAT RAJ RURAL DEV

**Counsel for the Respondents 3 to 5 : SRI G. VENKATA REDDY, STANDING
COUNSEL FOR GRAM PANCHAYAT**

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased that this Hon'ble Court may be pleased to direct the Respondents not to interfere with the Petitioner's enjoyment of Fishing rights and his Fishing operations in Kannikala Cheruvu of Mamadugu Gram Panchayat. Gangavaram Mandal, Chittoor District.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

"Heard Sri B. Abhaya, learned counsel, representing learned counsel for the petitioner.

Learned counsel for the petitioner, in elaboration submitted that, contrary to the orders passed by this Court in W.P.No.17875 of 1988, the authorities are interfering with the petitioner's fishing rights, which have been given under Board Standing Order No.211, in favor of the petitioner's grandfather, in the year 1916.

He further submitted that, earlier in the year 1988, when the respondent authorities interfered with the fishing rights, a Writ Petition has been filed vide W.P.No.17875 of 1988, and this Court disposed of the said writ petition observing that, if the Collector issues any notice for cancellation of 'Macha Pattas', it is open for the petitioner to raise all objections which are available to them under law. Subsequently, no steps have been taken by the concerned authority. When, similar attempt of interference has been made in the year 2010, the petitioner filed Writ Petition vide W.P.No.4316 of 2010 and this Court passed interim orders directing the respondents not to interfere with the petitioner's enjoyment of fishing rights and his fishing operation in Kannikala Cheruvu of Mamadugu Gram Panchayat and accordingly Writ Petition was closed as no cause survives at this length of time. Now, again without issuing any notice, without any manner of right and without conducting any enquiry the authorities are taking similar steps. If the same is allowed, the petitioner's rights will be affected and prayed to protect the interest of the petitioner.

Perused the record.

This Court while disposing of the W.P.No.17875 of 1988, has observed that, in the event the authorities issues any notice for cancellation of 'Macha Pattas' granted in their favor, the petitioner's are at liberty to submit their objections. Similarly, in W.P.No.4316 of 2010, this Court directed the respondent authorities not to interfere with the petitioner's enjoyment of fishing rights and fishing operations. Now, the contention of the petitioner is that, the authorities highhandedly without any notice are interfering with the fishing rights of the petitioner.

In view of the same and as there is some force in the contention of the learned counsel for the petitioner that, if the petitioner is dispossessed highhandedly he would be put to irreparable loss and hardship, as such, this Court is inclined to pass the following order:

"The respondent authorities are directed not to interfere with the petitioner's fishing rights and fishing operations in Kannikala Cheruvu of Mamadugu Gram Panchayat, Gangavarm Mandal, Chittoor District. However, this order does not preclude the authorities to take steps in accordance with law".

//TRUE COPY//

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Panchayath Raj Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The District Collector, (P.R.) Chittoor District, Chittoor.
3. The Mandal Parishad Development Officer. Gangavaram Mandal, Chittoor District
4. The Secretary, Gram Panchayath of Mamadugu, Gangavaram Mandal, Chittoor District.
5. The Sarpanch, Mamadugu Gram Panchayath Gangavaram Mandal, Chittoor District. (**Addressees Nos.1 to 5 by RPAD- along with a copy of petition and affidavit**)
6. One CC to SRI. S PARINEETA, Advocate [OPUC]
7. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court of Andhra Pradesh. [OUT]
8. One CC to Sri G. Venkata Reddy, Standing Counsel [OPUC]
9. One spare copy

ER

HIGH COURT

RCJ

DATED:16/08/2023

POST ON 13.09.2023

ORDER

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IN

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DIRECTION

