

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.20174 of 2023

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a Writ or direction more particularly one in the nature of Writ of Mandamus declaring action of the respondent no 3 and 4 in threatening/harassing me by issuing the continuous impugned notices 01.08.2023, 15.07.2023, 13.01.2023, 12.09.2022 without considering my submissions to the earlier notices by the influence of the unofficial respondents which is arbitrary against the principles of natural justice and violation of Article 14, 19, 21 and 300A of Constitution of India and Rule 12 of Andhra Pradesh State Aquaculture Development Authority Rules 2020 and consequently direct the respondent no.3 not to take any further action on Notice dt.24.07.2023 without considering the replies submitted by me to the earlier notice and to pass such other order or orders..”

2. Heard learned counsel for the petitioner and learned Government Pleader for Fisheries appearing for the respondents.

3. Learned counsel for the petitioner submits that the petitioner is the lease holder of aquaculture farm admeasuring to an extent of Ac.4.94 cents situated in R.S.No.178-3, 177,

179-3, Mogallamuru Village, Allavaram Mandal, Dr.B.R.Ambedkar Konaseema District. Being the lease holder, permission/ license was granted in his favour on 21.11.2021 under Andhra Pradesh State Aquaculture Development Authority Rules, 2020 for cultivation of Brackish Water Farm (Shrimp) and the said license is valid upto 08.02.2024. He further submits that he has been cultivating his aquaculture farm as per the terms and conditions of the license which was granted on 21.11.2021.

4. Learned counsel for the petitioner further submits that without there being any violation on part of the petitioner, at the instance of the third parties, the respondent authorities are resorting to issue show cause notices one after the other without considering the explanations submitted to all the notices dated 12.09.2022, 13.01.2023, 15.07.2023 and 01.08.2023. He further submits that the petitioner again and again submitted his detailed explanations to all the notices but the authorities does not considered any one of the explanations, for the reasons best known to them. Finally, till today, the respondent authorities did not choose to pass any detailed order in accordance with law. The final notice was issued to the

petitioner on 01.08.2023 wherein the learned counsel for the petitioner also submitted his explanation on 04.08.2023. He further submits that he has also submitted his explanations to the all other notices which were issued earlier are also similar in nature and all are acknowledged by the respondents. He further submits that without passing any final orders, the respondents are threatening the petitioner for closure of the subject aquaculture farms by alleging that the petitioner is causing inconvenience to the agriculturists as well as to the other aquaculture farms/ ryots.

5. In support of his contention, learned counsel for the petitioner also relied on the order passed by this Court in W.P.No.22810 of 2020, wherein the operative portion of the said order reads as follows:

“In view of the facts and circumstances of the case, the writ petition is disposed of directing the official respondents to take action against the unauthorized ponds, if the same is brought to their notice, by following due process of law and by issuing notice to all the affected parties. No costs.”

6. On the other hand, learned Government Pleader submits that since the petitioner submitted a detailed explanation to the

show cause notice issued by the respondents, the authorities, more particularly, the 3rd respondent will consider the explanation of the petitioner and pass appropriate orders in accordance with the provisions of Andhra Pradesh State Aquaculture Development Authority Act and Rules, 2020 within a reasonable time.

7. Having regard to the submissions made by the learned counsel for the petitioner and learned Government Pleader for the respondents, on perusal of the material placed before this Court, without going into the merits of the case, this Court is of the considered view that the present writ petition can be disposed of, directing the 3rd respondent herein to consider the explanation submitted by the petitioner pursuant to the notice dated 01.08.2023, with reference to the order passed by this Court in W.P.No.22810 of 2020 and subject to physical verification and after providing opportunity of hearing to the petitioner as well as the respondents, more particularly, respondent Nos. 5 to 10, within a period of four (04) weeks from the date of receipt of a copy of this order,

8. Till then, the respondents are directed not to take any coercive action in respect of the subject property of the

petitioner as per the license dated 21.11.2021 granted in favour of the petitioner. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

09.08.2023
BSP

112

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.20174 of 2023

09.08.2023
BSP