

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No.: WRIT PETITION No.20689 OF 2023

PROCEEDING SHEET

S. No	DATE	ORDER	
02.	23.08.2023	<u>RC, J</u> <u>W.P.No.20689 of 2023</u> For counters, post on 13.09.2023. RC, J <u>I.A.No.1 of 2023</u> 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 <i>vide</i> 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.	
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		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, Chittor District. However, this order does not preclude the authorities to take steps in accordance with law”. RC, J <i>DSB</i>	
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