

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No. W.P.No.3545 of 2023

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	23.02.2026	<u>VN, J</u> The present writ petition is filed declaring the action of Respondent Nos.2 to 8 in not initiating any action against Respondent Nos.9 to14 for growing prawns in eight tanks with salt water in Sy.Nos.96, 106-2, 107, 97-1A, 107 to an extent of Ac.17.57 cents of Pothukuru Village, Ainavilli Mandal, Dr.B.R.Ambedkar Konaseema District contrary to the licence for rearing fish in fresh water as illegal and arbitrary. Petitioners own an extent of Ac.0.86 cents in R.S.No.103-2C1, Ac.1.01 cents in S.No.100-2B and Ac.1.00 cents in S.No.100-1 respectively, in Pothukuru Village, Ainavilli Mandal. While so, Respondent Nos.12 to 14 have leased out their property to Respondent Nos.9 to 11 and they are operating prawn culture without requisite permissions. In the counter affidavit filed by	

		Respondent No.4, it was specifically stated at para 3 that there is no culture in the subject tanks as on today. Para 3 is extracted below: <i>‘3. It is submitted that there is no culture in the subject tanks as on today.’</i> Additional counter affidavit was also filed on 28.04.2023, wherein it is stated that Respondent Nos.12 to 14 are having licence for fresh water culture as per the provisions of Rule 12(7) of the APSADA Rules, 2020. It is also stated in paragraph 5 that at the time of issuing notices to Respondent Nos.12, 13 and 14, all the eight ponds in their land were being used for unauthorized culture of prawn to the extent of land covered under the licence. It is also stated that pursuant to the grievance of the Petitioner through Spandana, the Respondent No.6 had enquired into the complaint by physically inspecting the disputed area along with Village Fisheries Assistant and Revenue Officials. It was observed that unauthorized prawn culture was being practiced in eight ponds in the land of Respondent Nos.12 to 14 and notices were also served on 02.01.2023 and 23.01.2023 restraining them	
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		from proceeding with unauthorized prawn culture. It is also stated that as on date of filing additional counter affidavit, i.e. 28.04.2023, there is no aqua culture activities in eight ponds. Paragraph 9 of the counter affidavit is extracted below: <i>'It is submitted that, after harvesting the unauthorized crop by the aid unofficial respondents/lessees, there is no Aquaculture activities existing in the eight ponds those were taken on lease.'</i> No counter affidavit was filed on behalf of Respondent Nos. 9 to 14. However, it is stated across the bar that no prawn culture is going on in the said lands as on date. Learned counsel for the Petitioners asserts that even as on today illegal prawn culture is being continued in the said lands and no action is being taken by the Official Respondents. Learned counsel further requested for appointment of Advocate Commissioner to resolve the dispute and offered to bear the expenses. There was no serious opposition to the request of the Petitioner. Heard learned counsel for both the parties. This Court is of the opinion that the controversy can be resolved by appointing	
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	an Advocate Commissioner to visit the subject lands and file a report by the next date regarding the status of the subject lands. Therefore, there shall be an interim direction as under: (i) Sri Raviteja Talaseela (23133) is appointed as Advocate Commissioner to visit the land in question with the help of Official Respondents and submit a report regarding the status of the land in question by the next date (ii) The Advocate Commissioner shall issue prior notice to the counsel for the Petitioners, Respondents and Government Pleader for Fisheries. (iii) The Official Respondents shall extend cooperation and protection to the Advocate Commissioner. (iv) The fees of the Advocate Commissioner is fixed at Rs.25,000/- and an additional sum of Rs.10,000/- to meet his expenses. The amount shall be paid by the Petitioners. Post on 16.03.2026. _____ VN,J KLP	
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