



**HIGH COURT OF ANDHRA PRADESH**  
TUESDAY ,THE TWENTY SIXTH DAY OF MARCH  
TWO THOUSAND AND NINETEEN

**PRESENT**

**THE HONOURABLE SRI JUSTICE G. SHYAM PRASAD**  
**WRIT PETITION NO: 4033 OF 2019**

**Between:**

1. A KRISHNA S/o.Chalameswara Rao, aged about 42 years,  
R/o.27-7-43/1, Sri Nagar, Old Gajuwaka,  
Visakhapatnam, Visakhapatnam District.

**...PETITIONER(S)**

**AND:**

1. THE STATE OF AP Rep.by its Principal Secretary  
Animal Husbandry, Dairy Development and Fisheries (Fish-II) Department  
A.P.Secretariat Buildings,  
Velagapudi, Amaravathi, Guntur District.
2. The District Level Committee Rep.by its Chairman/District Collector  
Chilakalapudi, Machilipatnam, Krishna District.
3. Deputy Director of Fisheries Krishna District, Machilipatnam.
4. Aagolu Balaji S/o.Venkateswara Rao, aged about 29 years,  
R/o.Potlacheruvu, Mandavalli Mandal,  
Krishna District.

**...RESPONDENTS**

**Counsel for the Petitioner(s): SAI GANGADHAR CHAMARTY**

**Counsel for the Respondents: GP FOR FISHERIES (AP)**

**The Court made the following: ORDER**

**THE HIGH COURT OF ANDHRA PRADESH  
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTY SIXTH DAY OF MARCH  
TWO THOUSAND AND NINETEEN**

**PRESENT**

**THE HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**WRIT PETITION NO: 4033 OF 2019**

**Between:**

Aagollu Krishna, S/o.Chalameswara Rao, aged about 42 years, R/o.27-7-43/1,  
Sri Nagar, Old Gajuwaka, Visakhapatnam, Visakhapatnam District.

**...PETITIONER**

**AND**

1. The State of AP, Rep.by its Principal Secretary Animal Husbandry, Dairy Development and Fisheries (Fish-II) Department A.P.Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The District Level Committee, Rep.by its Chairman/District Collector Chilakalapudi, Machilipatnam, Krishna District.
3. Deputy Director of Fisheries, Krishna District, Machilipatnam.
4. Aagolu Balaji, S/o.Venkateswara Rao, aged about 29 years, R/o.Potlacheruvu, Mandavalli Mandal, Krishna District.

**...RESPONDENTS**

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 an appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the inaction of the respondents in stopping the unauthorized and illegal conversion of agricultural land adjacent to the petitioner's land in RS No.451 of Rudrapaka, Nandivada Mandal, Krishna District as arbitrary, illegal, capricious and contrary to the G.O.Ms.No.7 dated 16-03-2013 and consequently direct the respondents 1 to 3 not to accord permission for conversion of 4th respondent land into fish pond without considering the objections of the petitioner

**IA NO: 1 OF 2019**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider the objections raised by the petitioner through notice dated 16-02-2019 pending disposal of the above writ petition.

**Counsel for the Petitioner:SRI. SAI GANGADHAR CHAMARTY**

**Counsel for the Respondent Nos. 1 to 3: GP FOR FISHERIES**

**Counsel for the Respondent No. 4:**

**The Court made the following: ORDER**



**THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD****WRIT PETITION No.4033 OF 2019****ORDER:-**

This is a writ of *mandamus* filed for declaring the inaction of the respondents in stopping the unauthorized and illegal conversion of agricultural land adjacent to the petitioner's land in R.S.No.451 of Rudrapaka Village, Nandivada Mandal, Krishna District as illegal and arbitrary.

2. Heard the arguments of the learned counsel for the petitioner and the learned Government Pleader for Fisheries appearing for respondent Nos.1 to 3.

3. The petitioner filed an affidavit stating that he is the absolute owner of an extent of Ac.0.04 cents in R.S.No.451/3A, Ac.0.20 cents in R.S.No.451/3B, Ac.0.40 cents in R.S.No.451/3C and Ac.0.23 cents in R.S.No.451/7A totalling Ac.0.87 cents situated in Rudrapaka, Nandivada Mandal, Krishna District. On 28.05.2018, respondent No.4 along with his henchmen tried to interfere with his possession and therefore, the petitioner has filed a suit in O.S.No.71 of 2018 on the file of the learned Principal Senior Civil Judge, Gudivada for injunction and the same is pending. On 01.02.2019, when respondent No.4 started digging the land adjacent to the petitioner's land to convert the same into fish tanks without any authorization from respondent Nos.2 and 3, the petitioner got issued a legal notice on 16.02.2019 to respondent Nos.1 to 3 requesting them to stop the unauthorized and illegal conversion of land



into fish tank. As there was no response from respondent Nos.1 to 3, he has preferred the present writ petition.

4. Learned counsel for the petitioner submits that respondent No.1 has issued G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dated 16.03.2013, framing regulations of fresh water aqua culture in the state and issued consolidated orders. As per the said G.O., no person shall carry on fresh water aqua culture without registration in accordance with the said G.O. Respondent No.2 is the competent authority at the district level to permit fresh water aqua culture by registration. The petitioner has filed some photographs on 15.02.2019 to show the progress of work done by respondent No.4.

5. Learned Government Pleader for Fisheries submits that there is a civil dispute pending between the petitioner and respondent No.4 viz., O.S.No.71 of 2018 on the file of the Principal Senior Civil Judge, Gudivada and the same is pending before the said Court. It is further submitted that the petitioner has not submitted any representation so far and the department has also not received any notice as alleged by the petitioner in his affidavit. It is submitted that the petitioner has also not filed any acknowledgment for receipt of the said notice.

6. Learned Government Pleader for Fisheries refers to G.O.Ms.No.15, Animal Husbandry, Dairy Development and Fisheries (Fish) Department, dated 26.05.2015, and submits that for any disputes under this G.O., appeals shall be made to the Commissioner of Fisheries, Government of Andhra Pradesh, which is an amendment to G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dated 16.03.2013. However, in the light of the facts and circumstances of this





case, it is obvious that there is a civil dispute pending before the competent Court between the petitioner and respondent No.4. The petitioner states that he got issued a legal notice to respondent Nos.1 to 3 on 16.02.2019. The receipt of the notice is denied by the respondents. No acknowledgment has been filed by the petitioner in proof of receipt of the notice.

7. In the light of these facts, the petitioner, if aggrieved by the actions of respondent No.4, may resort to appropriate remedy available to him under law. The petitioner may submit a representation to respondent Nos.2 and 3 in the light of G.O.Ms.No.7, Animal Husbandry, Dairy Development and Fisheries (Fish.II) Department, dated 16.03.2013, and the same shall be considered by the authorities and appropriate orders shall be passed in accordance with law within eight (8) weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

9. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Sd/- K. AMMAJI  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

**One Fair Copy to the Hon'ble Sri. Justice GUDISEVA SHYAM PRASAD  
(For His Lordships Kind Perusal)**

To,

1. The Principal Secretary Animal Husbandry, Dairy Development and Fisheries (Fish-II) Department, State of AP, A.P.Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Chairman/District Collector, District Level Committee, Chilakalapudi, Machilipatnam, Krishna District.
3. Deputy Director of Fisheries, Krishna District, Machilipatnam.
4. 9 LR Copies
5. The Under Secretary, Union of India Ministry of Law, Justice and Company Affairs, New Delhi.
6. The Secretary, Advocate Association Library, High Court of Andhra Pradesh.
7. One CC to Sri. Sai Gangadhar Chamarty, Advocate (OPUC)
8. Two CCs to the GP for Fisheries, High Court of Andhra Pradesh. (OUT)
9. Two CD Copies.

PM

*[Handwritten signature]*



2019:APHC:15840



2019:APHC:15840

HIGH COURT

DATED:26/03/2019

OC  
2/5/19

ORDER

WP.No.4033 of 2019

Rs 6=00

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Disposing the WP

Without costs.

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