



W.P(MD)No.5854 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.5854 of 2023
and WMP(MD)No.5412 of 2023

Mohamed Bakkar

... Petitioner

Vs

1.The Assistant Director of Fisheries (Marine),
Department of Fisheries, Pudukkottai.

2.The Inspector of Fisheries (Marine),
Pudukottai.

3.The Inspector of Police,
Thiruppunavasal Marine Police Station,
Thiruppunavasal.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to release the seized petitioner's Boat bearing registration No. IND-TN-08-MM-274 on 16.05.2014 forthwith and to issue the Daily Fishing Permit Slip to the petitioners vessel and to supply the subsidy diesel continuously.



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For Petitioner : Mr.M.Saravanakumar
For R1, R2 : Mr.J.Ashok
Additional Government Pleader
For R3 : Mr.R.Sivakumar
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed in the nature of mandamus, seeking a direction to the respondents, particularly, the third respondent/Inspector of Police, Thiruppunavasal Marine Police Station, Thiruppunavasal to release the boat bearing registration No. IND-TN-08-MM-274 and to issue Daily Fishing Permit Slip to the petitioner herein.

2.It is the case of the petitioner that he owns the above mentioned mechanized boat. As per the memorandum of understanding, the mechanized boats are permitted to go to sea on Mondays, Wednesdays and Saturdays in a week. On the other days, the country boats are permitted to go to sea for fishing.

3.The learned counsel for the petitioner stated that on 06.02.2023 (Monday), when the petitioner boat was in the sea, in the evening hours,



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another country boat came and there was a quarrel. This led to registration of two FIRs by the third respondent/ Inspector of Police, Thiruppunavasal Marine Police Station, Thiruppunavasal in Crime No.1 of 2023 on 07.02.2023, for offence punishable under Sections 341, 294(b), 352, 506(i), 379 and 367 of IPC and Crime No.2 of 2023 on 07.02.2023, by the third respondent/ Inspector of Police, Thiruppunavasal Marine Police Station, Thiruppunavasal, for offence punishable under Sections 294(b), 352, 427, 506(i) of IPC.

4.It is stated by the learned Government Advocate (Crl.Side) that the boat had been seized and had also been handed over to the Judicial Magistrate, Aranthangi in RPR No.99 of 2023. It is also stated that the investigation has been transferred to Mimisal Police Station (L&O).

5.Since the Judicial Magistrate is in the custody of boat, which is the subject matter of the writ petition, it is only appropriate that the petitioner approaches the said Court, seeking return of boat.



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6. Taking into consideration all facts, an appropriate order shall be passed by the learned Judicial Magistrate, Aranthangi, within a period of ten working days, from the date of filing of petition for return of property, by the petitioner.

7. No further orders are required.

8. Accordingly, this Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

17.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

To

1. The Judicial Magistrate, Aranthangi
2. The Assistant Director of Fisheries (Marine),
Department of Fisheries, Pudukkottai.
3. The Inspector of Fisheries (Marine),
Pudukkottai.
4. The Inspector of Police,
Thiruppunavalas Marine Police Station,
Thiruppunavalas.



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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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and WMP(MD)No.5412 of 2023

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