



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition (MD) No.21233 of 2014

WEB COPY

K.R.Vishwanathan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram.2.The Assistant Director,
Fisheries Department,
Ramanathapuram North.3.The Deputy Director (Zonal),
Fisheries Department,
Ramanathapuram.

4.P.Muthaiah

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order Na.Ka.No.962/A2/2014 dated 15.12.2014 passed by the 3rd respondent and quash the same as without jurisdiction.

For Petitioner	: Mr.S.M.S.Johny Basha
For Respondents 1-3	: Mr.S.Sathishkumar, Additional Government Pleader.
For 4 th Respondent	: Mr.V.Panneerselvam for M/s.C.S.Associates

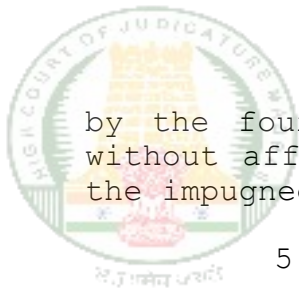
ORDER

Challenging the impugned order passed by the third respondent, dated 15.12.2014, the present writ petition has been filed.

2.Heard the learned counsel appearing for the parties and perused the materials available on record.

3.According to the petitioner, the petitioner is running Aquaculture Farming in the name and style of Ohm Sakthi Aqua Farm. It is submitted by the petitioner that when he approached the respondents for granting licence, the respondents directed to submit a project report along with necessary enclosures as per the guidelines, dated 29.09.2011. Pursuant to which the respondents visited and inspected the farm of the petitioner on 09.10.2014. It is further submitted that when the petitioner submitted an application for licence along with all the documents, he received a communication dated 15.12.2014 stating that the fish farm of the petitioner is being run without the permission of the Government and therefore, it should be closed on or before 24.12.2014 and report the same to the District Collector.

4.It is the specific case of the petitioner that even though he submitted an application for granting licence, the respondents have not considered the same and on the other hand, based on the complaint given



by the fourth respondent, the 3rd respondent passed the impugned order without affording an opportunity of hearing to the petitioner and hence, the impugned order is liable to be set aside.

5. Heard both sides and perused the materials.

5. Admittedly, the petitioner was not put on notice before passing the impugned order. Having regard to the facts and circumstances of this case and the impugned order has been passed without affording an opportunity of hearing to the petitioner, the same is set aside.

6. Accordingly, the writ petition is allowed and the matter is remitted back to the authorities concerned to pass appropriate orders after giving due opportunity to the petitioner as well as to the fourth respondent. Needless to state that before passing any final orders, the application of the petitioner shall be taken into consideration. The above said exercise shall be completed by the respondents within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, M.P(MD) Nos.1 of 2014 and 2 of 2015 are closed.

Sd/-

Assistant Registrar (Per.Admn)

/True copy/

Sub Assistant Registrar

sms

To

1. The District Collector, Ramanathapuram.

2. The Assistant Director, Fisheries Department,
Ramanathapuram North.

3. The Deputy Director (Zonal), Fisheries Department,
Ramanathapuram.

+1CC to M/S.C.S. Associates SR.No.41083

+1CC to Mr.S.M.S.Johny Basha Advocate SR.No.41028

+1CC to Spl Government Pleader SR.No.41151

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Dated: 23.07.2015

GJM 14.8.15 - 2P/7C