

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.12239 of 2016

and

W.M.P.No.10575 of 2016

M.Subramanian

... Petitioner

Vs.

1.The District Collector,
Thiruvarur,
Thiruvarur District.

2.The Tahsildar,
Thiruthuraipoondi,
Thiruthuraipoondi Taluk.

3.The Assistant Director,
Domestic Fisheries Welfare Department,
Thiruvarur,
Thiruvarur District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the third respondent to implement the order passed by the first respondent in Na.Ka.No.12709/2014/Voo.3 dated 9.10.2015 by removing the Prawn Farms in and around the agricultural lands in and around Thillaivilagam, Uthayamarthandapuram, Thondiyakadu Villages etc., in Thiruthuraipoondi Taluk, Thiruvarur District.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondents : Mr.S.Pattabiraman,
Govt. Advocate.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to

implement the order passed by the first respondent in Na.Ka. No.12709/2014/Voo.3 dated 9.10.2015 by removing the Prawn Farms in the agricultural lands in and around Thillaivilagam, Uthayamarthandapuram, Thondiyakadu Villages etc., in Thiruthuraipoondi Taluk, Thiruvarur District.

3. It is the case of the petitioner that he is the Secretary of the Village Welfare Society (Grama Nala Sangam). In the year 1998 onwards, a new business of Prawn Culture was introduced by some of the villagers, which is against the agricultural operations and which will affect the water source also. Hence, several protest was conducted by the local political parties. In the year 2000, the then District Collector passed an order dated 2.8.2000 directing the Revenue Divisional Officer to ban the Prawn Farms and to remove the same. The Tahsildar, Thiruthuraipoondi has also by proceedings dated 6.5.2002 directed the Village Administrative Officers to restrain the work of Prawn Culture in and around Thilliaivilagam Village. However, no action was taken in this regard. Thereafter, in the year 2014, some of the villagers were in the process of the forming Prawn farms. Hence, the petitioner made a detailed representation dated 28.7.2014 in the District Collector Grievance day. Since there was no fruitful solution from the respondents, the petitioner filed a writ petition before the First Bench of this Court in W.P.No.21573 of 2014 and in the said writ petition, by order dated 12.8.2014, the First Bench passed the following order:-

" We, thus, call upon the District Collector, first respondent herein, to consider the representation of the petitioner and dispose of the same in accordance with law, within a maximum period of two months from the date of receipt of the order ".

Even though the said order was communicated to the respondents, there is no response or reply from the respondents. Therefore, the petitioner filed a contempt petition before this Court in Cont.P.No.1662 of 2015, in which the following order has been passed:-

" 2. We are now informed that the order is likely to be passed within three days.

3. We have taken the said statement on record. We, however, feel that the petitioner should be entitled to the cost of the present proceedings on account of the failure to comply with the direction and thus, the petitioner be compensated by cost of Rs.3,000/- (Rupees three thousand only) within fifteen

days by the respondent for the present proceedings, which can be recovered from the delinquent officer.

4. The contempt petition stands closed in terms aforesaid with a right to revive the contempt petition, if the order is not passed within three days. "

Pursuant to the said order, the first respondent by communication dated 9.10.2015, directed the third respondent to remove the unauthorized Prawn Farms in and around the Agricultural lands. However, the third respondent has not taken any action in this regard. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court is constrained to pass the following order:-

(i) The petitioner is directed to give a detailed representation to remove the Prawn Farms in the agricultural lands in and around Thillaivilagam, Uthayamarthandapuram, Thondiyakadu Villages etc., in Thiruthuraipoondi Taluk, Thiruvarur District, by setting forth all the facts to the third respondent, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order;

(ii) On receipt of the representation, the third respondent is directed to consider the same in the light of the order passed by the first respondent in Na.Ka. No.12709/2014/Voo.3 dated 9.10.2015, and pass appropriate orders / take appropriate action, within a period of four weeks thereafter.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

sbi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Thiruvarur,
Thiruvarur District.

2.The Tahsildar,
Thiruthuraipoondi,
Thiruthuraipoondi Taluk.

3.The Assistant Director,
Domestic Fisheries Welfare Department,
Thiruvarur,
Thiruvarur District.

+ 1 cc to Mr.V.Kasinatha Bharathi, Advocate Sr 20581

+ 1 cc to The Govt.Pleader, Sr 20969

KR/5/4/16

W.P.No.12239 of 2016



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