

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.9150 of 2016

And

W.M.P.Nos.8149 and 8150 of 2016

Saravanan

... Petitioner

Vs.

1 The Thasildar,
The Thasildar Office,
Gummidipoondi,
Thiruvallur District.

2 The Executive Magistrate cum
Revenue Divisional Officer,
Ponneri,
Thiruvallur District.

3 The Assistant Director,
Fisheries Department,
Ponneri,
Thiruvallur District.

4 The Assistant Director,
Agriculture Department,
Ponneri,
Thiruvallur District.

5 The Assistant Director,
Environmental Department,
Ponneri,
Thiruvallur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in pursuant to the impugned order passed by the 2nd respondent in show cause notice Na.Ka.No.3476/2015/A-2 dated 20.02.2016 and quash the same.

For Petitioner : Mr.R.Sivaraman

For Respondents : Mr.P.Sanjai Gandhi

Additional Government Pleader

O R D E R

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

2.The petitioner would state that he is having patta land of 3 acres in Survey Nos.333, 331, 337/3 in Obasamudram Village, Gummidipoondi, Thiruvallur District and he has put up a prawn hatchery. The residents of Obasamudram Village has submitted a representation dated 16.07.2015, to the Revenue Divisional Officer, Ponneri as to the wastage and spoiling of the land on account of letting in Sea water for the purpose of prawn culture and based on which, the Revenue Divisional Officer / second respondent has issued a notice under Section 133 A of Cr.P.C., 1973 and challenging the legality of the same, came forward to file this writ petition.

3.Mr.R.Sivaraman, learned counsel appearing for the petitioner would submit that in and around the hatchery, there are no agricultural lands located and the other persons who had put up prawn culture or hatchery have not been disturbed and the petitioner alone is singled out and prays for the quashment of the impugned proceedings.

4.Per contra, Mr.P.Sanjai Gandhi, learned Additional Government Pleader appearing for the respondents would submit that the impugned order is the show cause notice for which, the petitioner is having an opportunity to submit his explanation and therefore, prays for the dismissal of the writ petition.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.A perusal of the materials placed before this Court would prima facie indicate that no licence or permission is obtained by the petitioner for putting up the prawn hatchery and in the light of the representation made by the residents of Obasamudram Village, the second respondent has issued the show cause notice under Section 133 A of Cr.P.C., 1973, for which, the petitioner is having an opportunity to submit his response. Since the impugned notice is only a show cause notice and that the petitioner is having an opportunity to respond to the same, this Court is of the view that the writ petition is not maintainable for the present and therefore, this writ petition is dismissed.

7.The petitioner is granted two weeks time from the date of receipt of a copy of this order to submit his response to the impugned notice dated 20.02.2016, in Na.Ka.No.3476/2015/A2 and the second respondent on receipt of the same, is directed to consider the issue in accordance with law and pass orders, within a further period

of three weeks thereafter and communicate the decision taken, to the petitioner.

8. In the result, the writ petition is dismissed subject to above observations. No costs. Consequently, the interim order already granted by this Court is vacated and W.M.P.No.8150 of 2016 is dismissed. The connected miscellaneous petition in W.M.P.No.8149 of 2016 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Thasildar,
The Thasildar Office,
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Thiruvallur District.
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- 5 The Assistant Director,
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Ponneri,
Thiruvallur District.

+1cc to Mr.Sivaraman, Advocate, S.R.No.37836
+1cc to the Government Pleader, S.R.No.38018

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