

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.5820 of 2017 &
W.M.P.No.6240 of 2017

Chennai-Chengai Singaravelar
Visaipadagu Vurimaiyalargalo Sangam
Rep. by General Secretary
M.Vijesh
A-1, Pudhumanai kuppam
Royapuram
Chennai - 600013.

... Petitioner

v.

1. The Secretary to Government,
Fisheries Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Director General of Shipping,
9th Floor, Beta Building,
Mumbai - 400 042.
3. The Chairman and Managing Director,
Kamarajar Port,
Ennore,
Chennai - 600 0057.
4. Mercantile Marine Department,
Ministry of Shipping,
Government of India,
Rajaji Salai, Chennai - 600 001.
5. The Deputy General Manager,
M/s.Crowe Boda and Company (P) Ltd.,
M.L.M.Building,
No.9, Valaja Road,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the respondents to award appropriate compensation to the members of petitioner association based on the claim petitions preferred by them on 16.02.2017, within a time stipulated by this Court.

For Petitioner : Mr.R.Dhomadran

For Respondents: Mr.A.N.Thambidurai

Special Government Pleader - for R1

No Appearance - for R2

Mr.Krishna Ravindran - for R3

Mr.Su.Srinivasan - for R4

Mr.S.Vasudevan - for R5

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus, directing the respondents to award appropriate compensation to the members of petitioner's association based on the claim petitions preferred by them on 16.02.2017, within a time stipulated by this Court.

2. When the matter is taken up for hearing today, learned counsel appearing for the petitioner's association submitted that liberty may be given to the petitioner's association to file claim petitions before the Commissioner of Fisheries, Chennai, claiming compensation and on submission of the claim petitions, the Commissioner of Fisheries may be directed to scrutinize the same and forward the claim petitions to the 5th respondent, who in turn, forward the claim petitions to the Insurance Company for settling the amount to the claimants.

3. Mr.S.Vasudevan, learned counsel appearing for the 5th respondent submitted that in the Application Nos.14, 16, 38 and 40 of 2017, on the file of National Green Tribunal, Southern Zone, Chennai, the Tribunal had passed an interim order on 26.04.2017 observing that any person, who is affected, shall make his/her application within two weeks from the date of the order and shall be finalised by the Fisheries Department so as to arrive at a proper conclusion.

4. Without deviating from the order passed by the National Green Tribunal, liberty is given to the petitioner's association to file their claim petitions before the Commissioner of Fisheries, Chennai, within three weeks from the date of receipt of a copy of this order and on receipt of the claim petitions, the Commissioner of Fisheries shall scrutinize the same and forward the eligible petitions to the 5th respondent, who in turn, shall forward the same to the Insurance Company for

settling the claim made by the claimants. It is needless to say that the claims to be made by the claimants should be substantiated with records. After the receipt of the claim petitions from the Commissioner of Fisheries, the 5th respondent and the Insurance Company shall settle the claim of the claimants, as expeditiously as possible.

With these observations, the Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj
To

1. The Secretary to Government,
Fisheries Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
2. The Director General of Shipping,
9th Floor, Beta Building,
Mumbai - 400 042.
3. The Chairman and Managing Director,
Kamarajar Port,
Ennore,
Chennai - 600 0057.

+1 CC to Mr.Su Srinivasan, Advocate sr 42355
+1 CC to M/s. R. Dhamodaran, Advocate sr 42420
+1 CC to Mr.Krishna Ravindran, Advocate sr 42927(23/06/2017)

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