

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.10.2017

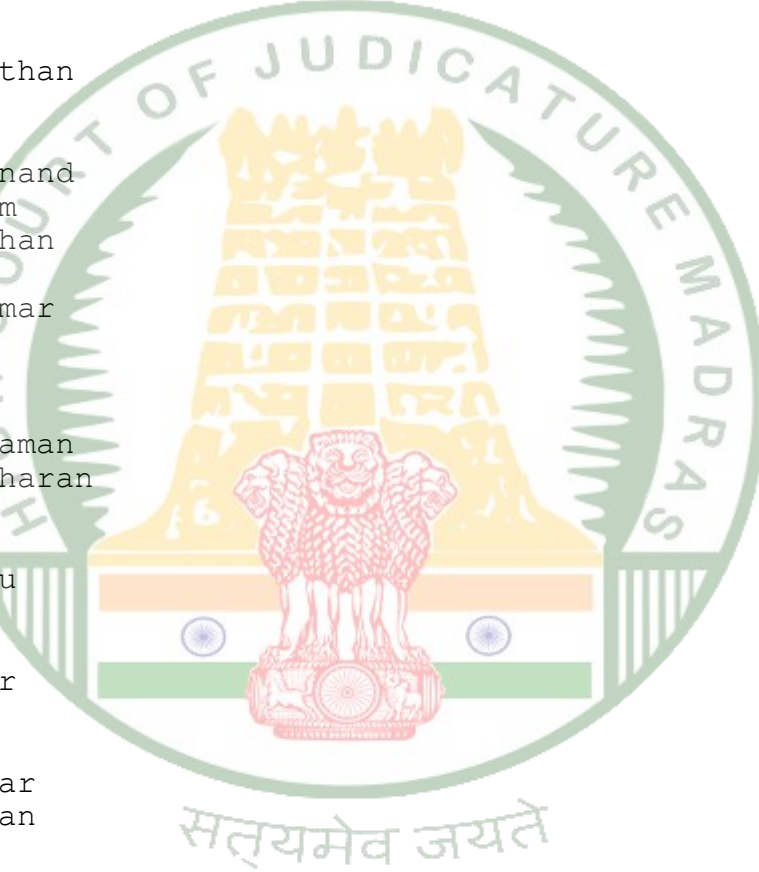
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The Honourable Mr.Justice RAJIV SHAKDHER
and

The Honourable Mr.Justice N.SATHISH KUMAR

Writ Appeal No.859 of 2017
and C.M.P.Nos.11760 and 11761 of 2017

- 1 D.Kuppan
- 2 R.Selvanathan
- 3 R.Moorthy
- 4 V.Raja
- 5 K.Vijay Anand
- 6 M.Arumugam
- 7 R.Visawathan
- 8 K.Devan
- 9 R.Shivakumar
- 10 P.Baskar
- 11 M.Mayavan
- 12 M.Aathi
- 13 R.Parasuraman
- 14 R.Ganagadharan
- 15 P.Kumar
- 16 R.Vikaram
- 17 M.Vadivelu
- 18 V.Rajesh
- 19 K.Kuppan
- 20 A.Rajkumar
- 21 R.Mani
- 22 K.Suman
- 23 R.Jeyakumar
- 24 C.Manoharan
- 25 K.Bharat
- 26 K.Desam
- 27 R.Chinnadurai
- 28 S.Kalpana
- 29 C.Nagamuthu
- 30 J.Panner Selvamn
- 31 N.Jayapal
- 32 K.Sarathkumar
- 33 R.Dessappan
- 34 R.Shivakumar
- 35 V.Ravi
- 36 Chinnapillai
- 37 D.Mahalingam
- 38 B.Sathishkumar



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39 J.Thiyagu
40 A.Patturaju
41 M.Senthil
42 P.Shivalingam
43 S.Pilot
44 R.Arumugam
45 P.Kuppuswami
46 M.Muthukura
47 C.Prakash

.. Appellants/Petitioners

Vs.

1. The Government of Tamil Nadu,
rep.by the Secretary, Fishery Department,
Fort St. George, Secretariat, Chennai.
- 2 The Madras Port Trust,
rep.by its Chairman,
E Kal Mandapam Road,
Chennai.
- 3 The Manager
Chennai Kasimedu Fishing Harbour,
Management Committee,
Kasimedu, Chennai-13. Respondents/Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order dated 12.07.2017 in W.M.P.No.19153 of 2017 in W.P.No.17655 of 2017 on the file of this Court.

Prayer in W.P. No 17655/2017 in W.M.P. No 19153/2017:

Writ petitions under Article 226 of the constitution of India praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus

i) forbearing the 1st respondent and their men agents and subordinates from directing the petitioners herein to shift the fish auction platform from the existing place in Kasimedu to the newly proposed building in Kasimedu(in W.P. No 17655/2017)

ii) to grant an order of Injunction restraining the 1st respondent and their men agents and subordinates from any manner compelling the petitioners to shift the fishing activities from the existing fishing auction platform to the newly constructed building at Wharf in kasimedu pending disposal of the above Writ petition.(in W.M.P. no 19153/2017)

For Appellants : Mr.Muthumani Doraisami
For Respondent 1 : Mr.Dhanajeyan
Special Government Pleader
For Respondents 2 & 3 : Mr.Devadakshan
for Mr.Haja Mohideen Gisthi

J U D G E M E N T

(Judgement of the Court was delivered by RAJIV SHAKDHER, J.)

1. Pursuant to our last order dated 23.10.2017, meeting was convened between the representatives of the appellants and the Principal Secretary of Animal Husbandry, Dairying and Fisheries Department.

1.1. This meeting was eventually held on 27.10.2017. The respondent No.1 has accordingly filed an affidavit before us dated 31.10.2017.

1.2. In paragraph No.5 of the affidavit, filed on behalf of respondent No.1, the following has been stated:

"The Principal Secretary has suggested to the appellant to use the modern facilities available in the Chennai Fishing Harbour. If there is any problem in using the new auction hall area and is brought to notice, it will be addressed then and there. Additional facilities will also be created in the Chennai Fishing Harbour if need arises. The existing allied fishing activities like retail fish marketing, ice packing of fish, ice crushing, ice retail sales are continuing in the old auction area without any hindrance. Despite the above, advantages of new auction area, if the appellant still feels he cannot move to the new facility, it is for himself to decide to continue to operate in the old auction area."

2. Having regard to the stand taken in the counter affidavit it appears that respondent No.1 has given option to the appellants to continue in the old auction area, in case they face difficulty, in operating in the new auction area.

2.1. Learned counsel for the respondents also affirms this position.

3. In view of this, learned counsel for the appellants say that he do not wish to press the writ appeal any further.

4. The impugned judgement is varied to the extent indicated above and the writ appeal is disposed of accordingly. Consequently, the pending applications shall also stand disposed of. Parties are left to bear their own costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Fishery Department,
Fort St. George, Secretariat, Chennai.
- 2 The Chairman,
Madras Port Trust,
E Kal Mandapam Road, Chennai.
- 3 The Manager
Chennai Kasimedu Fishing Harbour,
Management Committee,
Kasimedu, Chennai-13.

+1 CC to Ms.S. Haja Mohideen Gisti, Advocate sr 77888

+1 cc to Govt. Pleader sr 77669.

+1 cC to Ms. Muthumani Doraisamy, Advocate sr 77428.

सत्यमेव जयते

W.P.No.859 of 2017
and C.M.P.Nos.11760
and 11761 of 2017

CNR (CO)
SP(21/11/2017)

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