

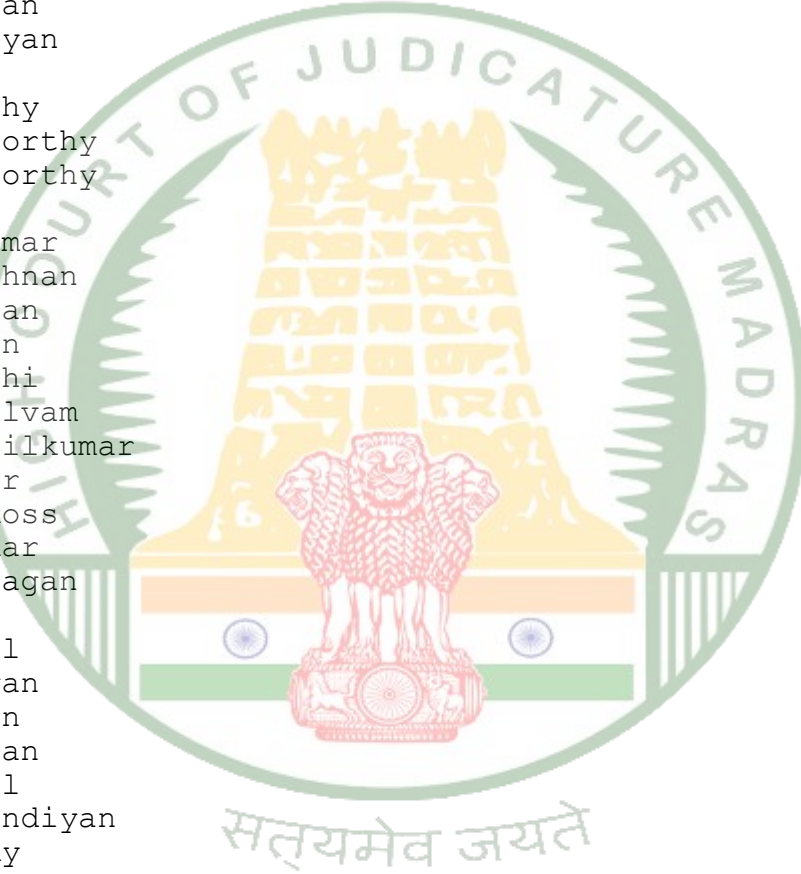
IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.07.2017

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNA KUMAR

W.P.No.35182 of 2014
and
W.P.No.6269 of 2015

1. Thangarasu
2. Gunasekaran
3. Neducheliyan
4. Elagovan
5. Vedamoorthy
6. Sathiyamoorthy
7. Vinyagamoorthy
8. Elacheran
9. Senthilkumar
10. Balakrishnan
11. Rajendiran
12. Murugesan
13. Sivasakthi
14. Paneerselvam
15. V. Senthilkumar
16. P. Baskar
17. V. Kalidoss
18. Balasundar
19. J. Anbalagan
20. Kannan
21. Sakthivel
22. Murugaiyan
23. Sellappan
24. Selvarasan
25. Kathirvel
26. Chellapandiyan
27. Duraisamy
28. Tamilselvam
29. Selvarasu
30. Tamilrasan
31. Kumar
32. Muniyappan
33. Subramaniyan
34. Chandrasekaran
35. Asaithambi
36. Puniyanathan
37. Viswanathan
38. Subramaniyan
39. Balakrishnan
40. Selvarasu



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41. Anbalagan
42. Balasubramaniyan
43. Muthuvel
44. Marriyappan
45. Vedaiyan
46. Selvarathinam
47. Krishnamoorthy
48. Mathiyalagan
49. Veedamoorthy
50. Mahindren

... Petitioners in
W.P.No.35182 of 2014

Sivasankaran

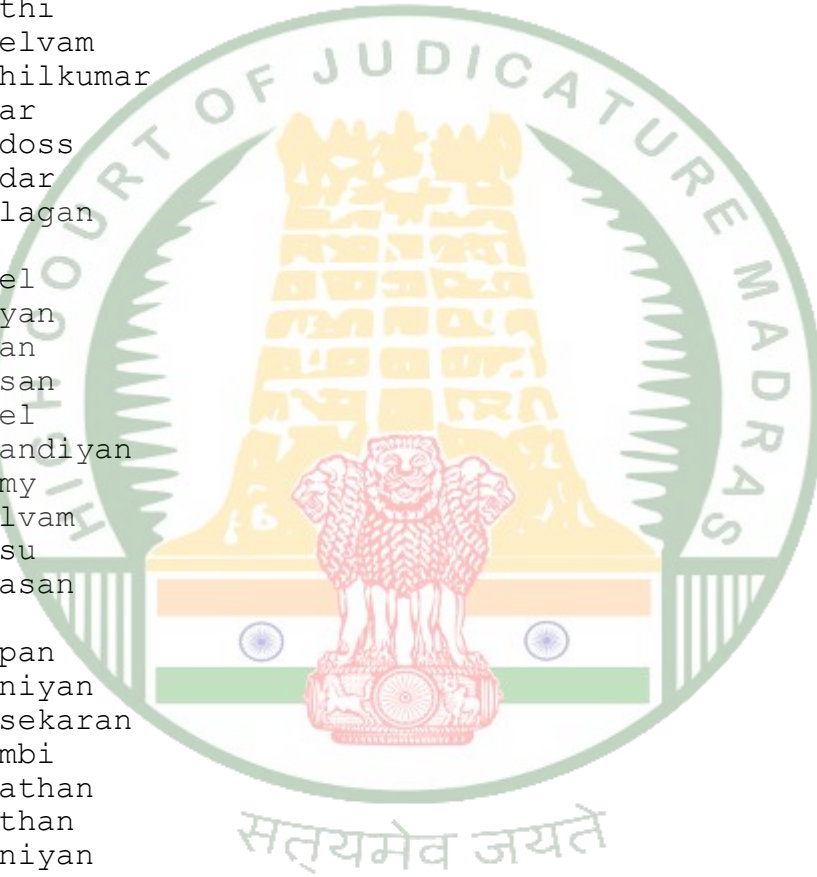
... Petitioner in
/W.P.No.6269 of 2015

v.

1. The Inspector of Fisheries Department,
Office of the Inspector of Fisheries,
Vedaranyam, Nagapattinam District.
2. The Assistant Director of Fisheries Department,
Office of the Assistant Director of Fisheries,
(Marine) Nagapattinam, Nagapattinam Dist.
3. The Joint Director of Fisheries Department,
Office of the Joint Director of the Fisheries Department,
Nagapattinam, Nagapattinam Dist.
4. The Assistant Commissioner of Anti Liquid,
Office of the Assistant Commissioner,
District Collector Office,
Nagapattinam - 611 003.
5. The Director of Fisheries Department,
Office of the Director of the Fisheries Department,
DMS Building,
Chennai - 600 006.
6. The District Collector,
Office of the District Collector,
Nagapattinam, Nagapattinam Dist.
7. The President,
Marine Fisher Co-operative Society,
Z-299, Naluvadhpathi,
Marine Fisher Co-operative Society,
Vedaranyam (TK), Nagapattinam Dist.

... Respondents in
W.P.No.35182 of 2014/
Respondents 1 to 7 in
W.P. No. 6269 /2015

8. Thangarasu
9. Gunasekaran
10. Neducheliyan
11. Elagovan
12. Vedamoorthy
13. Sathiyamoorthy
14. Vinyagamoorthy
15. Elacheran
16. Senthilkumar
17. Balakrishnan
18. Rajendiran
19. Murugesan
20. Sivasakthi
21. Paneerselvam
22. V. Senthilkumar
23. P. Baskar
24. V. Kalidoss
25. Balasundar
26. J. Anbalagan
27. Kannan
28. Sakthivel
29. Murugaiyan
30. Sellappan
31. Selvarasan
32. Kathirvel
33. Chellapandiyan
34. Duraisamy
35. Tamilselvam
36. Selvarasu
37. Tamilarasan
38. Kumar
39. Muniyappan
40. Subramaniyan
41. Chandrasekaran
42. Asaithambi
43. Puniyanathan
44. Viswanathan
45. Subramaniyan
46. Balakrishnan
47. Selvarasu
48. Anbalagan
49. Balasubramaniyan
50. Muthuvel
51. Marriyappan
52. Vedaiyan
53. Selvarathinam
54. Krishnamoorthy
55. Mathiyalagan
56. Veedamoorthy
57. Mahindren



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... Respondents 8 to 57
in W.P.No.6269 of

2015

Prayer in W.P.No.35182 of 2014 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to include the petitioners as permanent members in the 7th Respondent Society.

Prayer in W.P.No.6269 of 2015 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 7 not to include the respondents 8 to 57 in the 7th Respondent Society as Permanent Members.

In W.P.No.35182 of 2014

For Petitioner : Mr.M.Arivukkumar
For Respondents : Mr.V.Selvaraj,
Addl. Government Pleader (RR1 to 6)

Mr.L.P.Shanmuga Sundaram,
Special Government Pleader (R7)

In W.P.No.6269 of 2015

For Petitioner : Mr.M.Thamizhavel
For Respondents : Mr.V.Selvaraj,
Addl. Government Pleader (RR1 to 6)

Mr.L.P.Shanmuga Sundaram,
Special Government Pleader (R7)

Mr.R.Muruga Bharathi(R8 to 57)

C O M M O N O R D E R

The writ petition in W.P. No.35182 of 2014 has been filed by the members, seeking to direct the respondents to include them as permanent members in the 7th Respondent Society. Learned counsel for the petitioners in W.P. No.35182 of 2014/ respondents 8 to 57 in W.P. No. 6269 of 2015 would submit that the petitioners' only job is fishing. The Marine Fisher Co-operative Society/ 7th respondent was formed for the welfare of the petitioners, to provide loan and welfare schemes of the Government to buy nets and fulfill the needs of the fishermen. The petitioners enrolled as joint associate members in the 7th respondent society in the year 2000. They were also provided with marine fishers ID card issued by the Ministry of Agriculture, Government of India. Subsequently the 7th respondent society enrolled 65 persons, as permanent members. Since this will affect the rights in the society and they would be put to irreparable loss and hardship, the petitioners made representation on 10.10.2014, to the respondents 1 to 6 to

include their names as permanent members in the 7th respondent society. Since, no order has been passed, the members are before this Court.

2. Per contra, W.P. No.6269 of 2015 has been filed by the Vice President of the Marine Fisher Co-operative Society, in his individual capacity, seeking to direct the respondents 1 to 6, not to include the respondents 8 to 57 therein, in the 7th Respondent Society as Permanent Members. It is submitted that the respondents 8 to 57 are ineligible members, who have been removed from the 7th respondent Society vide resolution dated 16.02.2014. According to the petitioner in W.P. No.6269 of 2015, the respondents 8 to 57 are not in the profession of fishing and that they run provisional shop, petty shop, tea shop etc. and that in order to enjoy the benefits granted to fishermen by the State and Central Government, they wanted to include them as permanent members. Hence, he has filed the present writ petition with the aforesaid prayer.

3. Heard the learned counsel for the parties and perused the material available on record.

4. The issues in both the writ petitions are one and the same, relating to inclusion of the members in the 7th respondent Marine Fisher Co-operative Society. Considering the limited scope of prayer sought for in both the writ petitions, without going into the merits of the case, this Court is inclined to direct the 2nd respondent/ competent authority, to consider the representation dated 10.10.2014 of the petitioners in W.P. No. 35182 of 2014/ respondents 8 to 57 in W.P. No. 6269 of 2015, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing suitable opportunity to the parties concerned. It is needless to state that the petitioners shall furnish a copy of the said representation, along with a copy of this order.

5. Accordingly, the W.P. No.35182 of 2014 is disposed of, on the above direction and consequently the W.P. No.6269 of 2015 is closed. No order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

avr/rsi

To

1. The Inspector of Fisheries Department,
Office of the Inspector of Fisheries,
Vedaranyam, Nagapattinam District.
2. The Assistant Director of Fisheries Department,
Office of the Assistant Director of Fisheries,
(Marine) Nagapattinam, Nagapattinam Dist.
3. The Joint Director of Fisheries Department,
Office of the Joint Director of the Fisheries Department,
Nagapattinam, Nagapattinam Dist.
4. The Assistant Commissioner of Anti Liquid,
Office of the Assistant Commissioner,
District Collector Office,
Nagapattinam - 611 003.
5. The Director of Fisheries Department,
Office of the Director of the Fisheries Department,
DMS Building,
Chennai - 600 006.
6. The District Collector,
Office of the District Collector,
Nagapattinam, Nagapattinam Dist.
7. The President,
Marine Fisher Co-operative Society,
Z-299, Naluvadhpathi,
Marine Fisher Co-operative Society,
Vedaranyam (TK), Nagapattinam Dist.

+1 cc to Mr.R.Murugabharathi Advocate sr 50335

+1 cc to the Government Pleader sr 56664

सत्यमेव जयते

W.P.No.35182 of 2014
and

W.P.No.6269 of 2015

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aa03/08/2017