

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35485 of 2004
and
WPMP.No.42756 of 2004

M.Aranganathan

... Petitioner

Vs.

1. The Deputy Director,
Fisheries Department,
Chennai - 600 028.
2. The District Collector,
Cuddalore -3.
3. The Assistant Director of Fisheries,
Cuddalore -3.
4. Irrular - Fisherman Co - operative Society,
rep. by Special Officer,
Killai Village,
Chidambaram Taluk,
Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records of the 3rd respondent in his proceeding in R.C.No.3666/E/2004 dated 03.11.2004 and quash the proceedings dated 03.11.2004 and consequently directing the respondents 1 to 3 to take action against the 4th respondent society.

For Petitioner : Mr.V.Ramajegadeesan

For Respondent Nos.R1 to R3 : Mrs.K.Bhuvaneeswari

For Respondent No.4 : Government Advocate
Mr.L.P.Shunmugasundaram

O R D E R

Challenging the order of the third respondent dated 03.11.2004 and for a consequential direction to the respondents 1 to 3 to take action against the 4th respondent society, the present writ petition has been filed.

2. The case of the petitioner is that the impugned order was passed by the third respondent dated 03.11.2004, wherein it is stated that the third respondent refused to interfere with the Administration of the 4th respondent - Irrular - Fisherman Co - operative Society. The petitioner community are living in and around Killai Village viz., Chinna Vaikkal, Kannagi Nagar, North Mudasal Odai, Nadu Madasal Odai, Mudasal Odai, M.G.r.Thittu, Pillumedu, Mulukuthurai. The Government of Tamil Nadu recognised the aforesaid society and has given all the benefits to the Fisherman Community. While so, the fisherman community in M.G.R.Nagar, nearby Killai Village originally belonged to Irrular Community and formed a Co-operative Society called as Irrulur-Killai Fisherman Co-operative Society and the government also has given some benefits, which was also given to the other co-operative societies.

3. Aggrieved by the same, the petitioner has given a representation to the concerned authorities for taking action against the fourth respondent Society. However, the same was rejected on 03.11.2004.

4. It is a settled law that everybody is entitled to form a society and the petitioner did not prove that the fourth respondent Society act is against the bye-law or against the petitioner/ society. Accordingly petitioner's request is rejected. The petitioner cannot be an aggrieved person unless he establish that the fourth respondent/ Society acted against their own bye-law. He is only a member of the society. Admittedly, the writ petition is a vexatious one and is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gv

To

1. The Deputy Director,
Fisheries Department,
Chennai - 600 028.
2. The District Collector,
Cuddalore -3.
3. The Assistant Director of Fisheries,
Cuddalore -3.

+1cc to the Government Pleader Sr. 70100

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and
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AR(V)
VR(01/11/2017)



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