



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

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W.P. (MD) No. 11073 of 2017

and

W.M.P. (MD) Nos. 8491, 8492 & 8493 of 2017

L. Meenakshisundaram

...Petitioner

-Vs-

1. The Director of Fishery Department,
Ramanathapuram,
Ramanathapuram District.

2. The Joint Director,
The Fishery Department,
Ramanathapuram District.

3. The Assistant Director,
The Fishery Department,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 3rd respondent in Na.Ka.No.1296/A2-A/2006 dated 20.03.2015 quash the same and consequently directing the respondents permit the petitioner to run the prawn farm as per the license granted by Coastal Aquaculture Authority and high level committee by its order dated 18.12.2015 on the basis of his representation dated 27.04.2017.

For Petitioner : Mr. Subash Babu

For Respondents : Mr. A. Muthukaruppan,

Additional Government Pleader

O R D E R

The petitioner has come up with the present Writ Petition for issuance of a Writ of Certiorarified Mandamus, directing the respondents to call for the records of the impugned order passed by the 3rd respondent in Na.Ka.No.1296/A2-A/2006 dated 20.03.2015 quash the same and consequently, direct the respondents to permit



the petitioner to run a prawn farm as per the license granted by Coastal Aquaculture Authority and High Level Committee by its order dated 18.12.2015 by considering his representation dated 27.04.2017.

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2.The case of the petitioner is that he is the absolute owner of the property to an extent of 38 cents in Survey No.258/2 situated at Mookaiyur Village, Kadaladi, Sayalkudi, Ramanathapuram District and he purchased the said property by way of a registered sale deed, dated 05.02.2015 from one Anbalagan in the year 1995. Before purchasing the said property, the said Anbalagan was running a prawn farm from 1995 onwards by getting proper license. However, by the impugned order, the said license was suspended. After purchasing the said property, the petitioner decided to run the prawn farm in the said property. Therefore, the petitioner would claim that he separately applied and obtained the registration certificate from the Coastal Aquaculture Authority for a period of 5 years from 18.12.2015. Even after granting of license, the respondents 2 and 3 did not permit the petitioner to run the prawn farm on the ground that the license issued to the vendor was suspended. Therefore, he gave a representation to the respondents on 27.04.2017 to cancel the suspension order. Since, no favorable order was passed, the present writ petition is filed.

3.Heard both sides and perused the materials available on record.

4.The learned counsel for the petitioner would submit that even though the petitioner has challenged the impugned order, it would suffice, if a direction is issued to the respondents 2 and 3 to consider the representation of the petitioner dated 27.04.2017, in the light of the order passed by the Coastal Aquaculture Authority, dated 18.12.2015.

5.It is further contended that as the said order has been passed by the Coastal Aquaculture Authority, who is a superior officer of the respondents 2 and 3 issuing the registration certificate in favour of the petitioner, the impugned order has become automatically an inoperating one.

6.In view of the submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents, without going to the merits of the case, this Court directs the respondents 2 and 3 to consider the representation of the petitioner dated 27.04.2017 taking into consideration the order passed by the Coastal Aquaculture Authority and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1. The Director of Fishery Department,
Ramanathapuram,
Ramanathapuram District.

2. The Joint Director,
The Fishery Department,
Ramanathapuram District.

3. The Assistant Director,
The Fishery Department,
Ramanathapuram District.

+1 cc to Mr. M. Subash Babu, Advocate in SR.No. 60679
+1 cc to Special Government Pleader in SR.No. 60565

gns/ms

AE/SKN RSK/SAR1/30.06.2017/3P/6C

W.P. (MD) No. 11073 of 2017
15.06.2017