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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE N.AUTHINATHAN

W.P(MD) No.1992 of 2017

Koondu Muraiyil Meenpidi Thozhilpuriyum
Meenavar Nala Sangam
rep.by its President
M.Muniasamy

... Petitioner

-vs-

1. The Assistant Director of Fisheries,
Fishing Harbour Management,
Thoothukudi - 628 001.

2. The District Collector,
Thoothukudi,
Thoothukudi District.

3. The Superintendent of Police,
Thoothukudi District.

4.M.Sudalai
5.K.Lingam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to take appropriate action under the provisions of The Tamil Nadu Marine Fishing Regulation Act Rules 1983 against the Respondents 4 and 5 preventing the Electric Net Method of fishing in Thoothukudi by considering the Petitioner's representation dated 31.12.2016.

For Petitioner : Mr.G.Prabhu Rajadurai

For RR - 1 to 3 : Mr.M.Govindan
Special Government Pleader

For RR - 4 & 5 : Mr.R.Rajesh

**ORDER**

[Order of the Court was made by **A.SELVAM, J.**]

WEB COPY This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 3 to take appropriate action under the Tamil Nadu Marine Fishing Regulation Act and Rules 1983 against the respondents 4 and 5, who are using electric net method of fishing in Tuticorin District by way of issuing a Writ of Mandamus.

2.It is averred in the petition that the petitioner is a Sangam. The respondents 4 and 5 have been using electric net method of fishing in Tuticorin. But the respondents 1 to 3 failed to take appropriate action under the law mentioned in the petition. Under the said circumstances, the present Writ Petition has been filed.

3.In the counter filed on the side of the first respondent it is averred that the first respondent has inspected the nets of the respondents 4 and 5 and no electric equipments are found place and therefore, the present Writ Petition deserves to be dismissed.

4.The learned counsel appearing for the petitioner has repeatedly contended to the effect that the respondents 4 and 5 are using electric net method of fishing and the respondents 1 to 3 are the competent authorities to take appropriate action under the Tamil Nadu Marine Fishing Regulation Act and Rules, 1983 and since the respondents 1 to 3 have not taken any steps, the present Writ Petition has been filed.

5.The learned Special Government Pleader appearing for the respondents 1 to 3 has contended to the effect that the first respondent has made personal inspection and no electric device has been used in the fishing net of the respondents 4 and 5.

6.Considering the nature of relief sought in the Writ Petition and also considering the main grievance expressed on the side of the petitioner, this Court is inclined to pass the following order:

"In fine, the first respondent is directed to make surveillance in respect of the alleged electric net method of fishing and if there is any violence, the first respondent is directed to invoke relevant provision of the Tamil Nadu Marine Fishing Regulation Act and Rules 1983."



7. With the above observation, this Writ Petition is disposed of.

Sd/-
Assistant Registrar

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/True Copy/

Sub Assistant Registrar

To

1. The Assistant Director of Fisheries,
Fishing Harbour Management,
Thoothukudi - 628 001.
2. The District Collector,
Thoothukudi,
Thoothukudi District.
3. The Superintendent of Police,
Thoothukudi District.

+1cc to Mr.G.Prabhu Rajadurai, Advocate Sr.No.51408
+1cc to Spl.Government Pleader Sr.No.51443
+1cc to Mr.R.Rajesh, Advocate Sr.No.51129

mj
vb/jc/21.04.2017/3p/7c

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