



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2017

CORAM

THE HON'BLE Mr. JUSTICE R. SURESH KUMAR
W.P. (MD) No.19420 of 2013

WEB COPY

P.Karmegam

... Petitioner

-vs-

1.The Director,
Director of Fisheries Department (Marine Wealth)
Chennai.

2.The Assistant Director (Marine Wealth)
Fisheries Department,
Collectorate Complex,
Ramanathapuram.

3.The Deputy Director,
(Marine Wealth), Fisheries Department
Regional Office, Madurai

4.The President
Kalimankundu Fishermen Cooperative Societies,
Kalimankundu, Ramanathapuram Taluk,
Ramanathapuram District

5.The President
Athiatchayapuram Fishermen Cooperative Societies,
Athiatchayapuram, Ramanathapuram Taluk,
Ramanathapuram District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 16.04.2012 passed by 2nd respondent and quash the same and consequently direct the 4th and 5th respondents to constitute the Special meeting to delete Sethukarai and Thiruppullani Village from Kalimankundu Fishermen Cooperative Society and Athiatchayapuram Fishermen Cooperative Society.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.V.Muruganandham
Addl.Govt. Pleader for R1 to R3
Mr.R.Muruganandham for R4

O R D E R

The prayer in the writ petition is for a writ of Certiorari Mandamus to call for the records pertaining to the impugned order dated 16.04.2012 passed by 2nd respondent and quash the same and consequently direct the 4th and 5th respondents to constitute the Special meeting to delete Sethukarai and Thiruppullani Village from Kalimankundu Fishermen Cooperative Society and Athiatchayapuram Fishermen Cooperative Society.

2. The petitioner belongs to Valayanendal Village in Thiruppullani Taluk, Ramanathapuram District, which is a coastal village of Bay of Bengal, wherein, the residents engaged in fishing and related activities. Therefore, they wanted to form Cooperative Society for their benefits and betterment. Therefore, they had been representing the respondents department, namely, the fisheries department and in response to the same, the fisheries department also had directed the petitioner and village people to comply with the formalities to form the Fishermen Cooperative Societies.

3. Pursuant to the directive issued by the respondents Fishermen Department, the petitioner and other proposed members of the Society had paid necessary fees and when they were about to receive orders from the respondent department for forming the Society at Valayanendal, suddenly, an order dated 16.04.2012 was passed by the 2nd respondent. In the said order, the 2nd respondent has stated that to form a new cooperative fishermen society at Valayanendal, the already existing fishermen cooperative societies at Kalimankundu village and Athiatchayapuram village societies are having the service area, where the villages such as, Panchanthangi, Thiruppullani and Valayanendal had been included. Therefore, in the said order dated 16.04.2012, the 2nd respondent has stated that under Section 13(1)(a) of the Tamil Nadu Cooperative Societies Act 1983 (hereinafter referred to as 'the Act'), a general body meeting of the Kalimankundu and Athiatchayapuram Fishermen Cooperative Societies had to be conducted, where a resolution for division of society and forming a new society at Valayanendal has to be adopted and after having completed these formalities only, a new society at Valayanendal, as required by the petitioner and others can be formed. Challenging the said order, dated 16.04.2012, the petitioner has filed the present writ petition.

4. Heard both sides.

5. Though the petitioner has come out with the said prayer <https://hcjudis.hcimg.com/hcscservlets/cse/hcscservlets.do> order of the 2nd respondent dated 16.04.2012, whereby, the procedure, as indicated therein to have a general body of the existing two societies to be called for and a



resolution to that effect adopted, subsequently, the same 2nd respondent has issued a communication on 01.06.2012 to the petitioner stating that in view of the petition having been submitted by the petitioner through the District Collector, if fresh proposals are received from the petitioner and others regarding the forming of new fishermen cooperative societies at Valayanendal, the same would be considered and accepted. Though this communication had been issued in the year 2012, since the petitioner had not acted upon pursuant to the said communication of the 2nd respondent, no further action has been taken by the 2nd respondent.

6. In this regard, the learned counsel for the petitioner would submit that since the petitioner has challenged the order dated 16.04.2012 in this writ petition and the same is pending for all these years, the directive issued by the 2nd respondent through his communication dated 01.06.2012 has not been responded. However, the learned counsel for the petitioner, on instructions from the petitioner today, submits that the petitioner is ready and willing to respond to the said communication dated 01.06.2012 by submitting a fresh proposals, as directed therein for the forming of the new fishermen cooperative society.

7. The learned counsel for the petitioner would also submit that if the said proposal is submitted and if it is considered by the 2nd respondent and an order to that effect is passed paving the way for the petitioner to form a Society as decided at Valayanendal, the petitioner and other village people would be satisfied.

8. Heard the learned Additional Government Pleader. He would submit that the said directive was issued as early as on 01.06.2012 by the 2nd respondent and only the petitioner and others on his behalf had not utilised the opportunity so far and once the proposal is forthcoming from the petitioner, certainly, the same would be considered on merits within the provisions of the Act.

9. Considering the said submissions made by both sides, this writ petition is disposed of with the following directions:-

(i) In view of the submissions made above, it is open to the petitioner to make a fresh proposal in response to the communication dated 01.06.2012 issued by the 2nd respondent regarding formation of the new fishermen cooperative society at Valayanendal village, Ramanathapuram District, within a period of four weeks from the date of receipt of a copy of this order.

(ii) On receipt of such proposal from the petitioner, the same shall be considered by the 2nd respondent, taking into account that large number of village people at Valayanendal are engaging in allied activities and in order to get prospects for their livelihood, they wanted to form new fishermen cooperative society at Valayanendal village and pass orders thereon on merits

and in accordance with law within a period of eight weeks thereafter.

(iii) In this regard, if any further formalities by paying any fee has to be complied with by the petitioner, the same shall also be called for by the 2nd respondent and after having completed those formalities by the petitioner, and on his behalf, the same shall also be taken into account and at any rate, final order to be passed within the said eight weeks period.

10. With these directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Director,
Director of Fisheries Department (Marine Wealth), Chennai.
- 2.The Assistant Director (Marine Wealth)
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- 5.The President
AthiatchayapuramFishermen Cooperative Societies,
Athiatchayapuram, Ramanathapuram Taluk,
Ramanathapuram District

+One cc to M/s.D.Saravanan, Advocate, SR.No.8201

RR

RL/7C/4P/PM/10.3.2017

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