

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 12.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.27558 of 2018
and
W.M.P.No.32079 of 2018

M.Baskar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Fisheries Department,
Fort St.George, Chennai-600 009.
2. The Director of Fisheries,
Fishing Harbour Management Wing,
Chennai-600 013.
3. The District Collector,
Chennai District,
Singaravelar Maligai, Rajaji Salai,
Chennai-600 001.
4. The State of Tamil Nadu,
Rep. By the Inspector of Police,
J6, Tiruvanmiyur Police Station.
5. R.Kathiravan @ Velu,
6. J.Prathip
7. D.Thirumalai @ Thirumalai Vasan
8. S.Jayakumar
9. A.Subramanian @ Ettu Subra

... Respondents

For Petitioner : Mr.K.Selvarah
For R1 to R4 : Mr.Mohamed Riyaz
Additional Public Prosecutor

Prayer: Writ Petition filed under Section 226 of Constitution of India praying to issue a writ of Mandamus, directing the respondents 3 and 4 to take appropriate action against the respondents 6 to 9 for conducting Kattu Panchayat against the petitioner and his family members and for having passed orders preventing the petitioner and his family members to carry on their occupation of fishing and selling fish in the Vembadi

Amman Fish Market from 14.08.2018.

ORDER

This writ petition has been filed for directing the respondent police to take appropriate action against the respondents 6 to 9 from conducting Kankaroo Court against the petitioner and his family members and preventing the petitioner and his family members from catching fish in the sea and selling the fish at Vembadi Amman Fish Market.

2. When the matter came up for hearing during the last occasion, this Court passed the following order:-

"Learned Additional Public Prosecutor is directed to instruct the 4th respondent to call the parties for an enquiry in order to ensure that the petitioner is not banned from catching fish in the sea by virtue of a fiat said to have been issued by the respondents 5 to 7. Since it involves the livelihood of the petitioner, the 4th respondent is expected to immediately call the parties for an enquiry and take a decision and report before this Court on 12.11.2018."

3. The learned Additional Public Prosecutor on instructions would submit that there was no Katta Panchayathu, that happened in the fishing hamlet, and there is an inter-se dispute between the parties. The learned Additional Public Prosecutor would further submit that on an earlier occasion, when the complaint was made to the respondent police by the petitioner, the same was enquired and the petitioner himself had withdrawn the complaint on the ground that the matter has been amicably settled between the parties. Therefore, the learned Additional Public Prosecutor would submit that there has been no ban on the petitioner from going into the sea for fishing and selling the fish in the open market. According to the learned Additional Public Prosecutor, no one has prevented the petitioner and his family members from doing the above said activities.

4. The learned counsel for the petitioner would submit that by virtue of Kankaroo Court, the petitioner and his family members are prevented from going into the sea for fishing and are prevented from selling fish in the open market.

5. The learned counsel would submit that if the petitioner and his family members are not prevented, the statement made by the Additional Public Prosecutor shall be recorded and the petitioner will be satisfied if he and his family members are permitted to go into the sea like every other fisherman and are permitted to sell the fish at Vembadi Amman Fish Market. The learned counsel would submit that the petitioner does not want

any other relief except to lift the ban against the petitioner and his family members.

6. This Court does not want to go into the inter-se dispute between the parties. The learned Additional Public Prosecutor made a categorical submission that the petitioner and his family members will be permitted from carrying on their occupation of fishing and selling the fish in the Vembadi Amman Fish Market. The statement made by the learned Additional Public Prosecutor is recorded.

7. In view of the above, since the apprehension raised by the petitioner now stands clarified by virtue of specific stand taken by the respondent police, it will suffice, if the writ petition is disposed of with a direction that the petitioner and his family members shall not be prevented from carrying on their occupation of fishing and selling the fish in the Vembadi Amman Fish Market. No further orders are required to be passed in this writ petition by virtue of specific stand taken by the respondent police.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

dss/nmm
To

1. The Secretary,
State of Tamil Nadu,
Fisheries Department,
Fort St.George, Chennai-600 009.
2. The Director of Fisheries,
Fishing Harbour Management Wing,
Chennai-600 013.
3. The District Collector,
Chennai District,
Singaravelar Maligai, Rajaji Salai,
Chennai-600 001.

4. The Inspector of Police,
State of Tamil Nadu,
J6, Tiruvanmiyur Police Station.

+1 CC to Mr.K.Selvaraj, Advocate sr 77280.

W.P.No.27558 of 2018

RK(CO)
SP(03/12/2018)