

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.30040 of 2018
and
W.M.P.No.35052 & 35056 of 2018

- | | |
|--|----------------|
| 1. Selvamani | |
| 2. Karthikeyan | ...Petitioners |
| Vs. | |
| 1.The District Collector,
Nagapattinam District,
Nagapattinam. | |
| 2. The Superintendent of Police,
Nagapattinam District,
Nagapattinam. | |
| 3. The Tahsildhar,
Nagapattinam District,
Nagapattinam. | |
| 4. The Inspector of Police,
Velipalayam Police Station,
Nagapattinam District. | |
| 5. Arumugam | |
| 6. Kandasamy | |
| 7. Subramaniam | |
| 8. S.Kumar | ...Respondents |

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 take appropriate action against the respondents 5 to 8 in pursuance of the communication by the 1st respondent dated 09.10.2018 in O.Mu.No.17980/2018/C2 for conducting illegal katta Panchayat and ex-communicating the petitioners and their family from their village and also preventing for fishing operations by registering the FIR against the respondents 5 to 8 by setting the criminal law in motion and to investigate the same to file a final report within the stipulated time that may be fixed by this Court.

For Petitioners : Mr. C.Prabakaran

For Respondents : M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This petition has been filed for a direction to the respondent Police to stop the Kangaroo Court (Katta Panchayat) alleged to be conducted by the respondents 5 to 8, wherein the petitioners are prevented from entering the sea for fishing and are also prevented from selling the fish in the open market.

2. The learned counsel for the petitioner would submit that the respondents 5 to 8 have taken law in to their own hands and by virtue of a fiat issued in a Kangaroo Court (Katta Panchayat), the petitioners and their family members are prevented from fishing operations and thereby, the livelihood of the petitioners and their family members is affected. The learned counsel would further submit that the petitioners and their family members have been excommunicated in the village and they are not able to peacefully live in the village due to the illegal Katta Panchayat conducted by the respondents 5 to 8. The petitioners have also given a representation to the 1st respondent in this regard on 26.09.2018. The 1st respondent on receipt of the representation has directed the Superintendent of Police, Nagapattinam, to enquire in to the complaint and take appropriate action and inform the District Collector. In spite of the same, the learned counsel would submit that no action has been taken till date.

3. The learned Additional Public Prosecutor would submit that since the District Collector, Nagapattinam, has already given a direction by a communication dated 09.10.2018, to the Superintendent of Police, Nagapattinam, necessary enquiry will be conducted by the respondent Police and action will be taken in accordance with law.

4. In the facts and circumstances of the case, there shall be a direction to the 2nd respondent to immediately call the parties for an enquiry. The 2nd respondent with the help of the 4th respondent shall ensure that the petitioners are not prevented from living peacefully in the village and from carrying on with the fishing operation, which is the livelihood for the petitioners and their family members.

5. The Writ petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No costs.

rm/kmm

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector,
Nagapattinam District,
Nagapattinam.
2. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.
3. The Tahsildhar,
Nagapattinam District,
Nagapattinam.
4. The Inspector of Police,
Velipalayam Police Station,
Nagapattinam District.

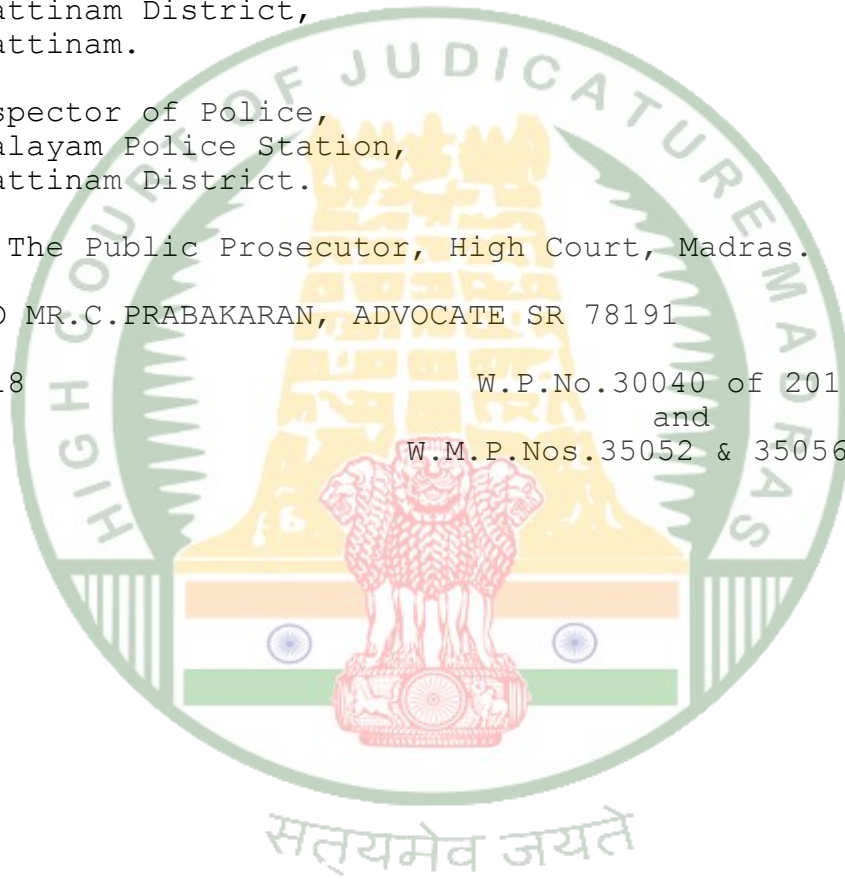
COPY TO:- The Public Prosecutor, High Court, Madras.

+ 2 CCS TO MR.C.PRABAKARAN, ADVOCATE SR 78191

KR/19/11/18

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