



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.19071 of 2017

and

W.M.P. (MD) No.15420 of 2017

WEB COPY

Deep Sea Mechanized Boat

Fishing Development Association,

Represented by its President,

Visuvasakappal Boat Yard,

South Beach Road,

Thoothukudi,

Thoothukudi District.

... Petitioner

Vs.

1.The Director General of Shipping,

Cum Secretary to Government,

Mercantile Marine Department,

Ministry of Shipping Road Transport and Highways,

Government of India,

9th Floor Beta Building,

I-think Techno Campus,

Kanjurmarg East,

Mumbai.

2.The State of Tamil Nadu,

Represented by its Secretary,

Department of Fisheries,

Fort St.George, Chennai.

3.The Commissioner of Fisheries,

ADMIN Buildings,

Teynampet, Chennai.

4.The District Collector,

Thoothukudi District,

Thoothukudi.

5.The Assistant Director of Fisheries,

Cum Authorised Officer,

Fishing Harbour Management,

Department of Fisheries,

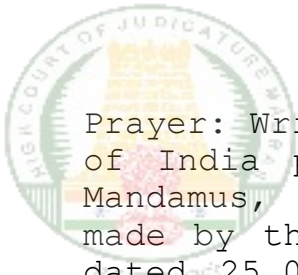
Thoothukudi.

6.R.Raj

... Respondents

(R6 is impleaded vide Court order dated 09.11.2017 in W.M.P. (MD)

<https://hcservices.courts.gov.in/hcservices/>
No.16017 of 2017)



Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made by the 5th respondent in his proceedings in R.C.No.638/A/2017 dated 25.09.2017 and quash the same as illegal and consequently direct the 5th respondent to register and issue certificate for the mechanized deep sea fishing vessels, in accordance with Section 10 (3) of the Tamil Nadu Marine Fishing Regulation Act, 1983, within the time that may be stipulated by this Court.

For Petitioner : Mr.S.Venkatasubramanian,
for Mr.R.Amarnath
For R1 : Mr.V.Kathirvelu,
Assistant Solicitor General
assisted by Mr.J.Jayakumaran
For R2 to R5 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.
For R6 : Mr.M.Joseph Thatheus Jerome

ORDER

This writ petition has been filed challenging the order dated 25.09.2017 passed by the 5th respondent / Assistant Director of Fisheries refusing to register the petitioner's deep sea fishing vessels under the Merchant Shipping Act, 1958.

2. According to the petitioner, the members of the petitioner's association are directly and indirectly employed in the deep sea fishing business in Thoothukudi and they have also purchased deep sea fishing vessels. As the Central Government has delegated its power to the State Government to register the vessels, the petitioner has approached the 5th respondent to register the vessels, whereas, the 5th respondent has rejected the petitioner's request on the ground that the State Government has not equipped with the competent manpower to grant registration for deep sea fishing vessels and declined to register the same. Hence, the present writ petition has been filed.

3. Today, when the matter is taken up for hearing, the learned Assistant Solicitor General appearing for the first respondent has submitted that the Director General of Shipping, Ministry of Shipping, Mumbai, has sent a communication dated 14.02.2018 stating that the earlier notification issued by the Ministry of Shipping in GSR-595(E) dated 14.08.2014, which authorises the State / UT Fisheries Departments to carryout the registration has been withdrawn. Now, it is only the first respondent has a power to grant registration to all the deep sea fishing vessels.

4. The relevant portion of the said communication is extracted follows:-

<https://hcservices.ecourts.gov.in/hcservices>

10. The subject matter was also discussed in the 23rd meeting of the Inter-Ministerial Empowered



Committee on Marine Fisheries held at New Delhi, on 09.06.15, in the Ministry of Agriculture, Govt. of India [agenda item no.5]. It was recommended therein- "... considering the inadequate competence of State Fisheries Departments to undertake these responsibilities, shortage of qualified Surveyors, and the ground realities regarding difficulties being faced in registration of large sized fishing vessels, it was recommended by the EC that DG Shipping/Ministry of Shipping may consider reverting back to the previous system, and therefore to consider to withdraw its notification GSR-595(E) dated 14.08.2014, which authorises the State / UT Fisheries Departments to carryout registration of all Indian Fishing boats (irrespective if length); and to adopt the earlier practice of MMDs under DG Shipping being authorized to carry out the work related to registration, survey and certification of Indian fishing boats of length 24 meters and above, whereas fishing vessels of below 24 meters length may be registered by the Fisheries Departments of States/UTs".

5. In the above circumstances, since the earlier delegation granted by the Central Government has been withdrawn, the petitioner association is directed to approach the first respondent and file necessary application seeking for registration, and if any such application is filed by the members of the petitioner's association, the first respondent is directed to consider the same and pass suitable orders on merits and in accordance with law.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Shipping,
Cum Secretary to Government,
Mercantile Marine Department,
Ministry of Shipping Road Transport and Highways,
Government of India,
9th Floor Beta Building,
I-think Techno Campus,
Kanjurmarg East,
Mumbai.



2.The Secretary State of Tamil Nadu,
Department of Fisheries,
Fort St.George, Chennai.

3.The Commissioner of Fisheries,
ADMIN Buildings,
Teynampet, Chennai.

4.The District Collector,
Thoothukudi District,
Thoothukudi.

5.The Assistant Director of Fisheries,
Cum Authorised Officer,
Fishing Harbour Management,
Department of Fisheries,
Thoothukudi.

+1cc to M/S.R.Amarnath, Advocate SR.No. 48868

+1cc to M/S.M.Joseph Thatheus Jerome, Advocate SR.No. 48831

W.P (MD) No.19071 of 2017
15.02.2018

myr

JM/SV MMS/SAR 1/15.02.2018/4P/8C