

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.4582 of 2016

S.S.Ahamed Ibrahim Segu Abdul Kader

.. Petitioner

Vs.

1. The Secretary to Government,
Ministry of Agriculture and Farmers Welfare,
Department of Animal Husbandry, Dairying
and Fisheries, Government of India,
Kirishi Bhawan, Dr.Rajendra Prasad Road,
Dr.Rajendra Prasad Road,
New Delhi 110 001
2. The Secretary to Government,
Ministry of Environment, Forest and
Climate Change, Government of India,
Indira Paryavaran Bhavan,
Jorbahg Road,
New Delhi 110 023.
3. Zoological Survey of India (ZSI),
Prani Vigyan Bhawan,
M.Block, New Alipore,
Kolkotta - 700 053.
4. Wildlife Warden,
Guindy Children's Park,
Raj Bhavan (Post),
Chennai 600 020.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and pass suitable orders on the petitioner's representations dated 28.09.2015 and 30.10.2015 taking note of the recommendations of the Zoological Survey of India, after affording a personal hearing to the petitioner within a stipulated period of time.

For Petitioner : Ms.Pooja
for M/s.Giridhar and Sai

For Respondents : Mr.J.Madhanagopal Rao
Senior Panel Counsel

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the respondents to consider and pass suitable orders on his representations dated 28.09.2015 and 30.10.2015 taking note of the recommendations of the Zoological Survey of India, after affording an opportunity of personal hearing to the petitioner within a stipulated time.

2. According to the learned counsel for the petitioner, the petitioner submitted a representation dated 28.09.2015 and a reminder dated 30.10.2015 to the first respondent seeking revocation of the ban on fishing and trade in sea cucumber and implementation of more scientific methods of conservation in tune with recommendations of experts and the Zoological Survey of India and also sought for personal hearing in this regard. The first respondent, vide his letter dated 06.10.2015, has forwarded the said representation to the second respondent to take necessary action under intimation to the Ministry. But, the respondents have failed to examine the merits of the matter and pass suitable orders on the petitioner's representations, particularly, in the light of the recommendations of the Zoological Survey of India, after providing an opportunity of personal hearing to the petitioner. Inaction on the part of the respondents would lead to gross violation of the rights of the people belonging to Fishing community. Finding no response, the petitioner is before this Court seeking the above prayer.

3. Heard Ms.Pooja, learned counsel for M/s.Giridhar and Sai, learned counsel for the petitioner and Mr.J.Madhanagopal Rao, learned Senior Panel Counsel for the respondents and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representations, directs the first respondent to consider the petitioner's representations dated 28.09.2015 and 30.10.2015 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

Srn
To

1. The Secretary to Government,
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Department of Animal Husbandry, Dairying
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+1 CC to Mr.J.Madhanagopal, Advocate sr 18074.
+1 CC to M/s.Giridhar & Sai, Advocate sr 18703.

W.P.No.4582 of 2016

RSI (CO)
SP(04/04/2019)