



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

**W.P. (MD) No.7315 of 2019**

**and**

**W.M.P. (MD) No.5836 of 2019**

Annai Therasa Visaipadagu Urimaiyalar Sangam,  
represented by the President,  
Mr.Xavier Antony Micheal Maria Dasan @ M.Samy,  
Reg.No.165/2017,  
Fishing Harbour,  
Thoothukudi 628 001.

... Petitioner

Vs

1.The Union of India,  
represented by the  
Director General of Shipping under the  
Ministry of Shipping,  
O/o. The Directorate General of Shipping,  
9th Floor, Beta Building,  
I-Think Techno Campus,  
Kanjur Marg (East),  
Mumbai 400 042.

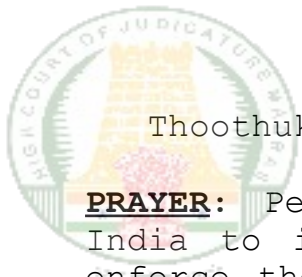
2.The Government of Tamil Nadu  
represented by its  
Principal Secretary to Government,  
Animal Husbandry,  
Dairying & Fisheries Department,  
Secretariat,  
St.George Fort,  
Chennai 600 009.

3.The Director,  
Directorate of Fisheries,  
Teynampet,  
Chennai.

4.The Commissioner of Fisheries,  
Office of the Directorate of Fisheries,  
Teynampet,  
Chennai 600 006.

5.The Deputy Director of Fisheries (Region),  
Fisheries Department,  
Thoothukudi.

6.The Assistant Director of Fisheries,  
Thoothukudi,



Thoothukudi District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to enforce the annual orders of fishing ban imposed in the East Coast of India for a period of 61 days generally from 15th April of every year to 14th June in a proper manner by ensuring the prohibition of fishing during such period by any motorized fishing vessel and take necessary action against the respective official, who filed in this regard.

For Petitioner: Mr.N.Dilip Kumar  
For R1 : Mr.R.Senthilkumar  
For R2 to R6 : Mr.M.Murugan

**ORDER**

Heard the learned counsel appearing on either side.

2.The Government of Tamil Nadu issued G.O.(Ms).No.69, Animal Husbandry, Dairying and Fisheries (FS.3) Department, dated 11.04.2018, imposing uniform fishing ban of 61 days from 15th April to 14th June.

3.In the case on hand, the subject matter pertains only to the East coast not the West coast. In terms of the said G.O.(Ms).No.69, dated 11.04.2018, the Assistant Director of Fisheries, Thoothukudi, has issued a letter bearing Na.Ka.No.375/Aa/2019 dated 12.04.2019, informing all the Stakeholders that during current year also ie., 2019, the ban will be in force for 61 days from 15th April to 14th June as far as the East coast is concerned.

4.The petitioner contended that even though this ban is being imposed year after year, from 15th April to 14th June, the same is not followed. The writ petition was actually filed on 25.03.2019. This Court took the view that cause of action for maintaining this writ petition would arise if the petitioner can swear that there has been a breach of the ban order on the first day.

5.Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner strongly contended that even yesterday atleast 300 motor boats left the shores of Thoothukudi Fishing Harbour for fishing. He also produced some photographs to sustain his contention. Mrs.Vanitha, the sixth respondent herein is present in person and asserted that there has been no violation of the ban imposed by the Government. However, she has stated that the ban order is strictly enforced. In fact the official respondents cannot really oppose the prayer made in the writ petition, as it is only for enforcing the ban order issued by the Government itself.

6.In this view of the matter, there shall be a direction to the respondents 3 to 6 to strictly enforce the ban order issued vide letter dated 12.04.2019 by the sixth respondent.



7.This writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS )

To

- 1.The Director General of Shipping  
under the Ministry of Shipping,  
9th Floor, Beta Building,  
I-Think Techno Campus,  
Kanjur Marg (East),  
Mumbai 400 042.
- 2.The Principal Secretary to Government,  
Animal Husbandry,  
Dairying & Fisheries Department,  
Secretariat,  
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- 3.The Director,  
Directorate of Fisheries,  
Teynampet,  
Chennai.
- 4.The Commissioner of Fisheries,  
Teynampet,  
Chennai 600 006.
- 5.The Deputy Director of Fisheries (Region),  
Fisheries Department,  
Thoothukudi.
- 6.The Assistant Director of Fisheries,  
Thoothukudi,

+1cc to Mr.N.Dilip Kumar,Advocate, SR.No.61636  
+1cc to Special Government Pleader, SR.No.61601

W.P.(MD)No.7315 of 2019

SP/26.04.2019/3P/9C