



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.22410 of 2019

WEB COPY

R.Dharmaveeran

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Director of Fisheries,
Fisheries Department,
Madurai Zone,
Madurai District.

... Respondents

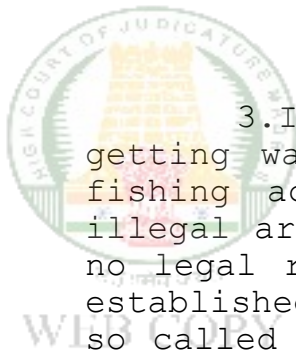
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to take action against the anti social elements who is cultivating fishery in Udaikulam Kanmai, Ayan Pappakudi Village, Avaniyapuram, Madurai District without lawful permission from the appropriate authority.

For Petitioner	: Mr.C.Mayilvahana Rajendran
For Respondents	: Mr.M.Rajarajan Government Advocate

ORDER

This writ petition is filed seeking direction to the second respondent to take action against the anti social elements who are cultivating fishery in Udaikulam Kanmai, Ayan Pappakudi Village, Avaniyapuram, Madurai District, without lawful permission from the appropriate authority.

2.According to the petitioner, he is doing agriculture in his field, drawing water from Udaikulam Kanmai, where, some persons are doing fish cultivation illegally. The said Kanmai is the only water source to the petitioner's land and hence, the act of fish cultivation in the said Kanmai, affects the agricultural work of the petitioner. Aggrieved over the same, the petitioner is before this Court.



3.It is seen that the petitioner is an agriculturist and getting water from the said lake. But the availability of water, fishing activity by third parties, and whether it is legal or illegal are disputed questions of fact. As such, the petitioner has no legal right to file the present writ petition, for, he has not established any legal right as to how he is directly affected by the so called illegal fishing activity of the anti social elements. In the absence of any such legal right, this Court cannot issue any direction as prayed for by the petitioner.

4.The writ petition is devoid of merits and the same is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Director of Fisheries,
Fisheries Department,
Madurai Zone,
Madurai District.

+1 CC to Mr.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-94361[F] dated 24/10/2019)

+1 CC to SPL GP (SR-94282[F] dated 24/10/2019)

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VB(14.11.2019) 2P 5C