

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.No.20381 of 2019
and
W.M.P.No.19715 of 2019

Fishermen Village Society, Vanagiri Village
Sirkali Taluk, Nagapattinam represented by
its President, Ramamoorthy S/o Velkannu
No.127, Vadakku Street, Tsunami Nagar
Vanagiri, Sirkali Taluk,
Nagapattinam-609 105. ... Petitioner

Vs.

- 1.District Collector, Nagapattinam
State of Tamil Nadu.
- 2.Director of Fisheries, Integrated
Animal Husbandry and Fisheries
Building, Nandanam, Chennai 600 015.
- 3.Joint Director of Fisheries,
Nagapattinam District
State of Tamil Nadu 609 105.
- 4.District Environmental Engineer
Tamil Nadu Pollution Control Board
Nagapattinam, Tamilnadu - 609 105.
- 5.The Superintendent of Police
Nagapattinam, Tamilnadu.
- 6.M.Sankar Pillai ... 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 1 to 5, the authorities
herein to stop and curtail the Prawn Culture (Shrimp culture)
Ponds right on the sea coast and river mouth of Kaveri,
Vanagiri Village and construction of Ponds and infrastructure
of the 6th respondent or any other person encroached upon sea

and river bed per se hazardous in the fore shore of sea front and CRZ zone of vanagiri village, Nagapattinam District and to protect the livelihood of the villagers living in the area and ecosystem of the coast-river mouth.

For Petitioner : Mr.L.Murugavelu

For Respondents: Mr.J.Pothiraj

Special Government Pleader -for RR 1 to 3 & 5

Mr.C.Kasirajan - for R4

Mr.K.M.Vijayan - for R6

O R D E R

(Order of the Court was made by DR.VINEET KOTHARI, J.)

This Public Interest Litigation has been filed by Fishermen Village Society, Vanagiri Village, Sirkali Taluk, Nagapattinam represented by its President, Ramamoorthy S/o Velkannu against the Government Authorities of the Integrated Animal Husbandry and Fisheries Department and also against the private respondent No.6 viz., M.Sankar Pillai, S/o Marudhavanan, Mela Vanagiri, Sirkali Taluk, Nagapattinam, alleging therein that the sixth respondent is running the business of Prawn Culture Farm in the site in question, without appropriate licence under the provisions of the Coastal Aquaculture Act, 2005.

2. Upon issuance of notice, learned counsel Mr.K.M.Vijayan has entered appearance on behalf of the sixth respondent and has produced before us the copies of the Registration and Renewal thereof, as required under Section 13 of the said Act, upto 24.01.2018. Thereafter, it is submitted before us that the renewal application of 23 applicants, including the sixth respondent, are pending with the concerned authority and the same has been recommended for renewal by the concerned District Collector of Nagapattinam District.

3. Learned counsel for the sixth respondent further submitted that they are pursuing the matter for such renewal of the registration for a further period of five years and therefore, there is no illegality in carrying out the business of Prawn Culture farm in the site in question.

4. Having heard the learned counsel for the parties and having gone through the materials placed on record, we are satisfied that no interference in this Public Interest Litigation jurisdiction is called for and it is for the respondents to pursue for renewal of the licence given to the sixth respondent under the provisions of the Act. The respondents are directed to consider the said renewal application as expeditiously as possible, preferably within a

period of three months from today. If the petitioner still has any grievance against the renewal of licence of the sixth respondent and/or other applicants, he can very well approach the concerned authority under the provisions of the Coastal Aquaculture Act, 2005.

5. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.District Collector, Nagapattinam
State of Tamil Nadu.
- 2.Director of Fisheries, Integrated
Animal Husbandry and Fisheries
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- 3.Joint Director of Fisheries,
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- 4.District Environmental Engineer
Tamil Nadu Pollution Control Board
Nagapattinam, Tamilnadu - 609 105.
- 5.The Superintendent of Police
Nagapattinam, Tamilnadu.

+1cc to Mr.L.Murugavelu, Advocate, S.R.No. 8044
+1cc to Mr.K.M.Vijayan Associates, Advocate, S.R.No.8012
+1cc to the Government Pleader, S.R.No. 8044

W.P.No.20381 of 2019

PM(CO)
GN(28/02/2020)