

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2020

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.23473 of 2019
& WMP.No.23264 of 2019

M.Arumugam

.. Petitioner

..Vs..

The Revenue Divisional Officer,
Ponneri Sub Division, Ponneri,
Thiruvallur District-601 204. ...Respondent

Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent, his men, agents, servants or anyone acting on his behalf from in any manner interfering with nor disturb the aqua cultural activity carried by the petitioner over the immovable property comprised in Survey No.1070/3, having area of 18 ares (around 45 grounds), vide patta No.3279, S.No.1048/2 having an area of 91 ares (around 2.27 acres) vide patta No.3279, S.No.1048/1, having an extent of 3.3 hectares (having an extent of 7 acres and 58 cents) vide patta No.3279, Elavur village, S.No.247/1A2, having an extent of 6.50 ares (having an extent of 16 cents) vide patta No.860, S.No.247/1B2B, having an extent of 11.50 ares (having an extent of 28 cents) vide patta No.860, S.No.247/1C1, having an extent of 3.50 ares (having an extent of 8 cents) vide patta No.860, S.No.257/1B, having an extent of 10 ares (having an extent of 25 cents) vide patta No.860, at Obasamuthirm village, Gummudipoondi Taluk, Thiruvallur District except by due process of law.

For Petitioner : Mr.T.S.Rajamohan

For Respondent : Mr.R.Govindasamy
Special Government Pleader

O R D E R

The petitioner is the owner of immovable property. In the said property, there is percolation of saline water due to adjacent sea. Consequently, it is unfit for cultivation. Therefore, the petitioner had applied for issuance of certificate for establishment of coastal aqua farm in the immovable property. He had also enclosed the necessary no objection certificates issued by the Tahsildar, the Director of Fisheries, the Electricity Department and also by the Pollution Control Board.

2. The Government of India, Ministry of Agricultural and Farmer Welfare had also issued a certificate of registration in favour of the petitioner to conduct aqua culture in the said property. The said license is still in force. The Inspecting Authorities namely the respondent herein had inspected the property and had determined that no pollution was caused by the petitioner. Thereafter the petitioner had put bore well and was using the water. Now, the respondent had closed the aqua farm of the petitioner. Hence, the petitioner has come before this Court by way of this writ petition.

3. Heard both sides and perused the materials available on record. Counter has also been filed.

4. During the pendency of the writ petition, by order of this Court, an inspection was also conducted by the respondent. It is stated that the petitioner has to approach the Chief Engineer, State and Surface Water Resources Data Centre, Tharamani, Chennai for getting permission/license to use the water for aqua farm. There are certain conditions prior to giving license. There is also a committee which has been formed to examine the issue and to grant license to that effect. The petitioner has to apply for license as per the above conditions.

5. In view of the above, the writ petition is disposed of, with the direction that if the said authority passes an order, granting license to the petitioner, then the respondent herein must permit the petitioner to continue to do their business of coastal aqua farm in the premises. If the said authority rejects the application for license, then the petitioner can take up the matter further in appropriate proceedings. Liberty

is granted to the petitioner to file such appropriate proceedings either before this Court or before the competent authority. It is again repeated that if license is granted, then the respondent must permit the petitioner to do the business of coastal aqua culture farm.

6. It is stated that the application of the petitioner is now pending before the Chief Engineer, State and Surface Water Resources Date Centre, Tharamani, Chennai for license. It is hoped that the competent authority shall pass orders within a reasonable time. Consequently, connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

The Revenue Divisional Officer,
Ponneri Sub Division, Ponneri,
Thiruvallur District-601 204.

+1 CC to Mr.T.S.Rajamohan, Advocate sr 474
+1 CC to Govt. Pleader sr 1360.

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RSV(CO)
SP(04/02/2020)

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