



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.07.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.15607 of 2019

DD 58 Periyakulam Fishermen Co-operative Society,
represented by its Member,
M.Murugan, S/o.Mokkaiyan,
4/5, AD.Kaliamman Street,
Allinagaram,
Theni.

...Petitioner

Vs

1.The District Collector,
Theni District.

2.The Deputy Director,
Fisheries Department,
Madurai.

3.The Assistant Director,
Fisheries Department,
Vaigai Dam (E),
Theni District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 3rd respondent to consider the representation of the petitioner dated 10.04.2019.

For Petitioner	: Mr.C.Hitesh Kumar
For Respondents	: Mr.R.Sethuraman Special Government Pleader

ORDER

This writ petition is filed to direct the 3rd respondent to consider the representation of the petitioner dated 10.04.2019 in accordance with law.

2.The learned counsel appearing for the petitioner would submit that one Murugan, who representing the petitioner society, is one of the members of the petitioner society. According to the petitioner, it is the practise of the fisheries department to give fisheries right to the petitioner society on 50% share basis on all along years. Now, the fisheries department had granted fishing rights to the private parties through leases by way of conducting auction.

3.In such circumstances, the petitioner had given a representation dated 10.04.2019, to the 1st respondent seeking to



grant fishing rights to the members of the petitioner society on 50% share basis between the society members and the fisheries department and the same has also been forwarded to the 3rd respondent, by proceedings dated 22.04.2019, to take appropriate action. But, on such representation dated 10.04.2019, no action has been taken till date by the 3rd respondent. Hence, left with no other alternative, the present writ petition has been filed for the relief stated supra.

4.The learned Special Government Pleader appearing for the respondents would submit that the said Murugan, who representing the writ petitioner, is not an authorized member of the petitioner society. He would further submit that as per bye-law, no member can file a writ petition, unless, he is authorized by the society. Therefore, from the absence of authorization and *locus standi*, the petitioner has filed the present writ petition and that therefore, the learned Special Government Pleader prays before this Court that the writ petition ought to be dismissed.

5.In reply, the learned counsel appearing for the petitioner would submit that liberty may be given to the petitioner to approach the authority concerned to seek their remedy through an authorized member.

6.In agreement with the submission made by the learned Special Government Pleader and in view of the submission made by the learned counsel appearing for the petitioner, this Writ Petition is disposed of with such liberty. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Theni District.



2.The Deputy Director,
Fisheries Department,
Madurai.

3.The Assistant Director,
Fisheries Department,
Vaigai Dam (E),
Theni District.

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