



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.26689 of 2019

and

W.M.P. (MD) Nos.23013 & 23014 of 2019

Vetrivel

... Petitioner

Vs.

- 1) The District Collector,
Kanyakumari District,
Nagercoil.
- 2) The Director of Fisheries,
Administrative Office Buildings,
DMS Complex, Sivasankaran Road,
Chokkalingam Nagar, Teynampet,
Chennai.
- 3) The Deputy Director of Fisheries,
Kanyakumari Division,
Nagercoil.
- 4) The Assistant Director of Fisheries,
Kanyakumari District,
Nagercoil.
- 5) Lakshmi Saran

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 4th respondent vide proceedings in Na.Ka.No.5701/A2/2014-1 dated 28.11.2019 and quash the same and further directing the 4th respondent to register the petitioner prawn farm by considering his application dated 4.12.2019.

For Petitioner	: Mr.R.Balakrishnan
For RR 1 to 4	: Mr.M.Rajarajan, Government Advocate

O R D E R

Mr.M.Rajarajan, learned Government Advocate takes notice on behalf of the respondents 1 to 4.

2. By consent, the writ petition is taken up for final disposal at the admission stage itself.



3. This Writ petition has been filed by the petitioner praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 4th respondent and quash the same and further direct the 4th respondent to register the petitioner's prawn farm by considering his application dated 4.12.2019.

4. The petitioner was running a prawn farm in S.No.422/7, Thamaraiikulam Village, Kanyakumari District, by virtue of an oral lease agreement, dated 17.04.2017 for a period of three years. According to him, the prawn firm is situated in a dry area and there are no agricultural activities within a distance of 100 m radius and there are also no residences within a distance of 3 km radius.

5. While so, the fourth respondent herein, the Assistant Director of Fisheries, Kanya Kumari District has passed an order in Na.Ka.No.5701/A2/2014-1 dated 28.11.2019 stating that the petitioner was running a prawn farm without a proper license and therefore, he has directed to close the said farm. The impugned order states that the petitioner has not obtained the license as required under the Coastal Aquaculture Authority Act of 2005 and also in accordance with the Coastal Regulations Zone. There are also restrictions on carrying on with the coastal aquaculture within 200 m from the High Tide Lines and no coastal aquaculture shall be carried on in creeks, rivers and backwaters within the Coastal Regulation Zone declared for the time being under the Environment (Protection) Act, 1986.

6. The respondents have also filed a counter stating that pursuant to the impugned order, the petitioner had already closed and vacated the prawn farm from the premises. It is also admitted that he did not have any valuable business for carrying out with the coastal aquaculture. In view of the above, there is nothing to be decided in this writ petition and the writ petition is liable to be dismissed. However, the petitioner seeks liberty to apply for valid license for carrying out the coastal aquaculture. The petitioner is at liberty to do the same and it is open to the Authorities to grant him the license.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To:

1) The District Collector,
Kanyakumari District, Nagercoil.

2) The Director of Fisheries,
Administrative Office Buildings,
DMS Complex, Sivasankaran Road,
Chokkalingam Nagar, Teynampet,
Chennai.

3) The Deputy Director of Fisheries,
Kanyakumari Division, Nagercoil.

4) The Assistant Director of Fisheries,
Kanyakumari District, Nagercoil.

+1 CC to M/s.SPL GP (SR-5215[F] dated 07/02/2020)

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-5228[F]

Order made in

W.P (MD) No.26689 of 2019

SMA/05/03/2020/3P/7C