



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.13622 of 2017

P.Karmegam

:Petitioner

vs.

1.The Director,
Director of Fisheries Department
(Marine Wealth)

2.The Assistant Director (Marine Wealth),
Fisheries Department,
Collectorate Complex,
Ramanathapuram.

3.The Deputy Director (Marine Wealth),
Fisheries Department,
Regional Office, Madurai.

:Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings vide e.f.vz;.795/</2013 dated 22.05.2017 and the Form No.5 issued by the second respondent and quash the same and consequently, to direct the respondents to register the Valayanendal Fisherman Co-Operative Society vide the representation, dated 05.04.2017.

For Petitioner :Mr.P.Karmegam

Party in person

For Respondents :Mr.A.Muthu Karuppan

Additional Government Pleader

O R D E R

This Writ Petition is filed to quash the impugned order, dated 22.05.2017 and Form No5 issued by the second respondent and consequently, to direct the respondents to register the Valayanendal Fisherman Co-Operative Society vide the representation, dated 05.04.2017.

2.To test the *bona fide* of the petitioner, this Court has earlier passed an order on 04.02.2020, so as to given an opportunity to the petitioner to disprove the contention of the respondents that the petitioner though willing to form a society, he has no



sufficient strength. The relevant portion of the said order reads as follows:

"2.Considering the factual issue, this Court directed the petitioner himself to produce the list of members who are willing to form new Co-operative Society. Today, the petitioner has produced before this Court a list of 58 members. The Secretary of Q1211, Thirupullani Primary Agricultural Co-operative Society have given a No Due Certificate to 58 persons. The petitioner sates that the 58 persons found in the list are willing to form a independent society. Though this Court is of the view that the list of members who are found in the No Due Certificate cannot be accepted as a genuine list, the petitioner who present before this Court in person, assured that he will produce all the persons found in the list before the Village Administrative Officer of Valayanendal to verify and report.

3.The petitioner is permitted to produce the members as per the list, before the Village Administrative Officer, Valayanendal, who shall be present in his office from 10.00 a.m. to 05.00 p.m. during week days. It is open to the petitioner to bring the members with documents showing their identity and to prove their identity. The Village Administrative Officer interviewing the members found in the list between 10.02.2020 and 14.02.2020, is directed to submit a report after getting their willingness to form a independent society as it is suggested by the petitioner. The Village Administrative Officer is directed to submit his report by 18.02.2020. The Village Administrative Officer may ask the following questions.

- a) Whether he is willing to form a new society along with petitioner and to subscribe to the new society?
- b) Whether he is prepared to come out of the society, if he is a member of another society?
- c) Whether he is a member of any other fisherman Co-operative Society?
- d) Names of one or more society in which he is already a member?

The Village Administrative Officer may prepare a format containing the questions and get the signature from the member below the printed format."

3.The Village Administrative Officer concerned has reported today that the petitioner has not brought even a single member to his office, as it was directed by this Court. Hence, this Court find no bona fide in the contention of the writ petitioner and accept the stand taken by the respondent in the impugned order.



Accordingly, this Writ Petition is dismissed and the impugned order passed by the second respondent, dated 22.05.2017 is confirmed. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Director,
Director of Fisheries Department
(Marine Wealth)
- 2.The Assistant Director (Marine Wealth),
Fisheries Department,
Collectorate Complex,
Ramanathapuram.
- 3.The Deputy Director (Marine Wealth),
Fisheries Department,
Regional Office, Madurai.

+1 CC to M/s.SPL.GP (SR-7048[F] dated 19/02/2020)

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18.02.2020

cmr

SDS (27.02.2020) 3P-5C