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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.NO.6535 OF 2021
AND W.M.P.NO.7126 OF 2021

Vajravelu

...Petitioner

Versus

1.Member Secretary,
Coastal Aquaculture Authority,
5th Floor, Integrated Office complex
for Animal Husbandry,
Fisheries Department,
Nandanam, Chennai - 35.

2.The District Collector, Thiruvallore.

3.The Director of Fisheries, Chennai.

4.The Assistant Director of Fisheries,
Ponneri, Thiruvallore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to take steps to grant license to the petitioner, on registering the petitioner's application dated 28.12.2017 to carry on his Shrimp/Prawn Farming Culture in his own patta land in S.Nos.205, 206, 3B2, 208/3, 235/234 measuring 4.27 acres in Elavoor, Gummidipoondi, Thiruvallore District, by considering his application dated 28.12.2017 for license for Prawn Culture, as expeditiously as possible.

For Petitioner : Mr.R.Shanmugham

For Respondents : Mr.Stalin Abimanyu,
Government Advocate

O R D E R

Mr.Stalin Abimanyu, learned Government Advocate takes notice for the respondents. With the consent of both sides, this writ



petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed seeking a mandamus directing the respondents 1 and 2 to grant licence to the petitioner based on his application dated 28.12.2017 for carrying on Shrimp/Prawn Farming Culture in his own patta land in S.Nos.205, 206, 3B2, 208/3, 235/234 measuring to an extent of 4.27 acres in Elavoor Village, Gummidipoondi Taluk, Thiruvallore District.

3.It is the case of the petitioner that he is the owner of the subject land. In view of the huge density of salinity in the ground water, he was unable to continue the agricultural activities, due to which, he started to carry on prawn farming in the subject land, which was objected by the police as well as the revenue authorities. Hence, he made an application dated 28.12.2017 to the first respondent seeking licence and the said application was not considered till date. When the things stood thus, the fourth respondent issued a notice dated 04.06.2020 directing the petitioner to stop doing prawn culture in his land. Feeling aggrieved, the petitioner has come up with this writ petition for the relief as stated above.

4.The learned counsel for the petitioner submitted that the Ministry of Agriculture, Government of India, issued guidelines through a gazette notification dated 07.03.2008 to the effect that every application for licence to start shrimp/prawn culture farm should be disposed of within a period of four weeks from the date of receipt of the same. Despite the same, the respondents 1 and 2 have not yet considered the application submitted by the petitioner seeking licence for carrying on such activity. Therefore, the learned counsel prayed for appropriate direction to the said respondents in this regard.

5.On the other hand, the learned Government Advocate appearing for the respondents fairly submitted that the respondent authorities would consider the petitioner's application dated 28.12.2017, if not considered earlier, and pass appropriate orders, on merits, within a reasonable time to be stipulated by this Court.

6.Recording the said submission made by the learned Government Advocate appearing for the respondents, this writ petition stands disposed of, directing the respondent authorities to pass orders on the petitioner's application dated 28.12.2017, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner,



within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

mrr

To

1.The Member Secretary, Coastal Aquaculture Authority,
5th Floor, Integrated Office complex
for Animal Husbandry,
Fisheries Department, Nandanam, Chennai - 35.

2.The District Collector,
Thiruvallore.

3.The Director of Fisheries,
Chennai.

4.The Assistant Director of Fisheries,
Ponneri,
Thiruvallore.

+1cc to M/s.K.Mahendran, Advocate, S.R.No.36319

+1cc to the Government Pleader, S.R.No.35927

W.P.No.6535 of 2021

SJ(CO)
RVM(16/08/2021)