



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No. 16067 of 2021

E 2128 Tittagudi Inland Fishermen
Co-operative Society
represented by its President
Thiru. K. Pachaimuthu
No.2/42, North Street
Mel Ivanur
Keelacheruvai (Post)
Tittagudi (Taluk)
Cuddalore District - 606 106

...Petitioner

Versus

1. The Commissioner of Fisheries
Third Floor, Integrated Animal Husbandry
and Fisheries Building
Nandanam, Chennai - 600 035
2. Deputy Director of Fisheries (Regional)
having office at Old Collectorate Building
First Floor, Manjakuppam
Cuddalore
3. Assistant Director of Fisheries
Fisheries and Fishermen Welfare Department
Parangipettai

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in his proceedings in Na.Ka.No.1429/A/2018 dated 16.07.2021, quash the same and consequently forbear the respondents from interfering with the Fishery rights of the petitioner granted under the Lease Deed Agreement dated 10.07.2020 without following the due process of law.

For Petitioner	:	Mr. M. Sricharan Rangarajan
For Respondents	:	Mr. Stalin Abhimanyu Government Counsel



ORDER

The petitioner is the President of E 2128 Tittagudi Island Fishermen Cooperative Society, which is a registered society. According to the petitioner, as per the conditions laid down in G.O. Ms. No.165, Animal Husbandry and Fisheries Department dated 25.09.2012, he had submitted an application on 26.06.2020 to the third respondent to grant fishery rights of Wellington Reservoir in Cuddalore to the petitioner society. After scrutiny of the application of the petitioner and after receipt of the necessary fee, by proceedings dated 10-07.2020 of the second respondent, fishery rights of Wellington Reservoir was granted to the petitioner on 10.07.2020 for a period of five years ending with 09.07.2025. While so, a representation dated 01.07.2021 was given by some of the members of the petitioner society, who had a grudge over the petitioner in the matter of obtaining the fishing rights. Based on such representation, in order to cause an enquiry into the same, the first respondent constituted a committee. Pursuant to the order passed by the first respondent, the third respondent passed the impugned order suspending the fishing rights granted to the petitioner till such time the committee constituted by the first respondent submit a report. Aggrieved by the same, the present writ petition has been filed by contending that the third respondent is not justified in suspending the fishing rights granted to the petitioner, which is valid until 09.07.2025. It is also contend that the impugned order of suspension has been passed with exorbitant haste, even without giving a notice to the petitioner.

2. On notice, the third respondent filed a counter affidavit, in which, in para No.29, it was stated thus:-

"29. I further submit that in supersession of the order dated 16.07.2021, the third respondent permit E1208 Tittakudi Inland Fishermen Co-operative Society, represented by its President Thiru. K. Pachamuthu to continue with his fishing rights with immediate effect. It is emphasized that appropriate action will be initiated against the President, E1208, Tittakudi Inland Fishermen Co-operative Society in accordance with law.

3. Heard the counsel for both sides and perused the materials placed on record. It is apparent from the counter affidavit of the third respondent that the order dated 16.07.2021, which is impugned in this writ petition, will not be given effect to and the petitioner has been permitted to continue the fishing rights. The averments in para No.29 of the counter affidavit filed by the third respondent is recorded. In the light of the averments in para No.29 of the counter affidavit no further order is required to be passed in this Writ Petition.



4. Accordingly, the Writ Petition is closed. No costs. Consequently, connected WMP Nos. 16990 and 16991 of 2021 are closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Fisheries
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and Fisheries Building
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2. Deputy Director of Fisheries (Regional)
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3. Assistant Director of Fisheries
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+1 CC to The Government Pleader, Sr.No. 42057.

WP No. 16067 of 2021

PM(CO)
LS(07/09/2021)