

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.15742 of 2020

R.Tamilarasan

...Petitioner

Vs.

1. The Joint Director of Fisheries,
Tamil Nadu Fisheries Department,
Main Road,
Near Collector Office,
Nagapattinam District.
2. The Deputy Director,
Tamil Nadu Fisheries Department,
Main Road,
Sirkali,
Nagapattinam District.
3. The Assistant Director,
Tamil Nadu Fisheries Department,
Main Road, Near Collector Office,
Nagapattinam District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 14.09.2020 and to register and grant license to the new boat of the petitioner.

For Petitioner : Mr.S.Kishore Kumar
For Respondents : Mr.V.Shanmugasundar for R1 to R3
Special Government Pleader

O R D E R

(By consent of both parties, the case taken up for final

disposal at the time of admission)

This writ petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's application dated 14.09.2020 seeking for license in respect of operation of his deep sea fishing boat as per the Rules and Regulations of the Tamil Nadu Marine Fishing Regulation Act, 1983 (amended in 2020).

2.It is the case of the petitioner that he applied for license for operating the above mentioned fishing boat with the third respondent on 04.04.2015. Thereafter, it is his case that he gave another representation on 14.09.2020 seeking for grant of license. It is his case that till date, his application seeking for grant of license for his deep sea fishing boat has not been considered by the respondents. In such circumstances, this writ petition has been filed.

3.Heard Mr.S.Kishore Kumar, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader for the respondents 1 to 3.

4.The learned Special Government Pleader for the respondents on instructions would submit that notice of enquiry sent by the respondents was served on the petitioner with regard to the application seeking for grant of license. It is his case that the petitioner failed to appear before the third respondent by providing the necessary documents.

5.The learned counsel for the petitioner on instructions would submit that the petitioner is prepared to appear before the third respondent and convince the third respondent with regard to his eligibility to get the license for his deep sea fishing boat by providing the necessary documentary evidence.

6.No prejudice will be caused to the respondents if the petitioner's application dated 04.04.2015 seeking for grant of license for his deep sea fishing boat is considered by them on merits and in accordance with law.

7.For the foregoing reasons, this Court directs the third respondent to consider the petitioner's application dated 04.04.2015 seeking for grant of license for his deep sea fishing boat under the Tamil Nadu Marine Fishing Regulation Act, 1983 (amended in 2020) and pass final orders on merits and in accordance with law after affording sufficient opportunity to the petitioner to place all his contentions within a period of 12 weeks from the date of receipt of a copy of this order.

8.With the above observation, this writ petition is disposed

of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pam

To

1. The Joint Director of Fisheries,
Tamil Nadu Fisheries Department,
Main Road,
Near Collector Office,
Nagapattinam District.
2. The Deputy Director,
Tamil Nadu Fisheries Department,
Main Road,
Sirkali,
Nagapattinam District.
3. The Assistant Director,
Tamil Nadu Fisheries Department,
Main Road, Near Collector Office,
Nagapattinam District.

+1cc to M/s.L.Poovendra Perumal, Advocate, SR361

W.P.No.15742 of 2020

CO(JP)
BDL/11/01/2021

सत्यमेव जयते
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