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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.Nos.9166 to 9170 of 2017
and W.M.P.Nos.10090 to 10094 of 2017

1. T.Tamilarasu @ Tamilarasan
...Petitioner in W.P.No.9166 of 2017
2. K.Rajamani
...Petitioner in W.P.No.9167 of 2017
3. Gopi
...Petitioner in W.P.No.9168 of 2017
4. C.Dasarathan
...Petitioner in W.P.No.9169 of 2017
5. Raja
...Petitioner in W.P.No.9170 of 2017

Vs

The Tahsildar
Gummudipoondi Taluk,
Gummudipoondi,
Tiruvallur District.

... Respondents in all W.P.s

Prayer in W.P.No.9166 of 2017: Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, forbearing the respondent his men, agents, servants etc., from in any manner interfering with nor disturbing the peaceful shrimp culture activity carried on by the petitioner at No.51, Elavoor village comprised in Survey No.373/3B, 375/1A, 382/9D2B, 374/3, 374/5, having an extent of 2.00 Acres of land except by due process of law.

Prayer in W.P.No.9167 of 2017: Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, forbearing the respondent his men, agents, servants etc. from in any manner interfering with nor disturbing the peaceful shrimp culture activity carried on by the petitioner at No.51, Elavoor village comprised in Survey No.302/4B, 303/14, 377/6, 383/4, 383/5, 383/8B, having an extent of 2.95 Acres of land except by due process of law.



Prayer in W.P.No.9168 of 2017: Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, forbearing the respondent his men, agents, servants etc. from in any manner interfering with nor disturbing the peaceful shrimp culture activity carried on by the petitioner at No.51, Elavoor village comprised in Survey No.466/1, having an extent of 0.20 Acres of land except by due process of law.

Prayer in W.P.No.9169 of 2017: Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, forbearing the respondent his men, agents, servants etc. from in any manner interfering with nor disturbing the peaceful shrimp culture activity carried on by the petitioner at No.51, Elavoor village comprised in Survey No.372/2, 372/3, 374, 375/1, 375/3 having an extent of 2.41 Acres of land except by due process of law.

Prayer in W.P.No.9170 of 2017: Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, forbearing the respondent his men, agents, servants etc. from in any manner interfering with nor disturbing the peaceful shrimp culture activity carried on by the petitioner at No.51, Elavoor village comprised in Survey No.293/1A2, 303/11, 303/2, 303/5B, 328/6, 329/1, 329/12, 329/15, 329/18, 385/1, 382/8 at No.51, having an extent of 1.88 Acres of land except by due process of law.

In All W.P.s:

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Mr.K.M.D.Muhilan
Government Advocate

COMMON ORDER

These Writ Petitions are filed, praying for the issuance of Writ of Mandamus, forbearing the respondent his men, agents, servants etc., from in any manner interfering with nor disturbing the peaceful shrimp culture activity carried on by the petitioners

2.The issues involved in all the Writ Petitions are one and the same. Therefore, disposed of by this common order.

3.The learned counsel for the petitioners would submit that the petitioner started his business of shrimp farming in the year 2017. The properties of the petitioners are situated nearby the salt pans. The petitioners' land and its adjacent lands were



became unfit for agricultural activity after Tsunami, due to the percolation of sea water into the agricultural lands. Therefore, the petitioners started the shrimp farm business, using the saline water. Further, the District Revenue Officer has issued inspection report stating that the petitioners' property is classified as salt pan. While so, the respondent herein is interfering with the business of the petitioners stating that due to the petitioners' shrimp farm business, the water in the Well and the Pool gets converted into Saline water and other villagers could not able to carry out their agricultural activity. Hence, he filed the present Writ Petition.

4.Per contra, the learned Government Advocate appearing for the respondent would submit that, since the respondent received a complaint from the agriculturist against the petitioners, the respondent was compelled to interfere with the business of the petitioners. However, the learned Government Advocate would submit that he received a letter dated 25.11.2021 from the respondent stating that subsequent to the filing of the present Writ Petition, no action has been taken against the petitioners and if any issue recurred in future, the same will be sorted out in accordance with law.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate appearing for the respondent and perused the materials available on record.

6.The statement of the petitioners that, in and around the area, where the petitioners carrying out shrimp farming, can only be utilised for prawn and fish cultivation due to the percolation of sea water during Tsunami and only the saline water can be pumped out, and no agricultural activities can be carried out in the said land, has to be verified by the appropriate authority. If really the ground water in the said area is not suitable for agricultural activity, the agriculturists have to adopt for the alternative business. If the land in and around the petitioners' property gets affected by the business carried out by the petitioners, then that has to be seriously looked into.

7.Taking into consideration the submission made by the learned Government Advocate that the respondent vide letter dated 25.11.2021, informed that he is not interfering with the business of the petitioners and the considering the livelihood of the petitioner, this Court directs the respondent not to interfere with the business of the petitioners. However, in the event, the respondent got to know that the lands are getting spoiled due to the activity of the petitioners, he is at liberty to take appropriate action, in accordance with law.



8. With the above direction, these Writ Petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

The Tahsildar
Gummudipoondi Taluk,
Gummudipoondi,
Tiruvallur District.

+1cc to Government Pleader SR. No.62237

W.P.Nos.9166 to 9170 of 2017
and W.M.P.Nos.10090 to 10094 of 2017

RSV (CO)
PR (21/12/2021)