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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28348 of 2019

Selvanathan

...Petitioner

Vs.

1. The District Collector,
Nagapattinam.
2. Kittappa @ Govindarajan,
3. Kili @ Thambiappan
4. The Coastal Aqua Agriculture Authority,
Government of India,
5th Floor, Integrated Office Complex for
Animal Husbandry and Fisheries Department,
Nandanam, Chennai-35.
(R4 impleaded as per order dated 31/01/2020
made in WMP.33827/2019 in WP 28348/19 by CVKJ

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to take action against the respondents 2 and 3 for doing illegal Coastal Aquaculture Farm as per Coastal Aquaculture Authority Act, 2005 and rules framed there under on the basis of representation given by the petitioner on 15.07.2019 within a time to stipulated by this Honourable Court.

For Petitioner : M/s.V.K.Vijayaragavan
For Respondent R1 : Mr.K.Karthikeyan
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 15.07.2019 and to take action against the 2nd and 3rd respondents for doing illegal Coastal Aquaculture Farm.

2. The case of the petitioner is that the petitioner and his parents are owning the lands in Survey Nos.58/1, 58/3, 58/2, 64,



66, 66/1B2, 72B/3, 63/, 63/2, 68B/1, 67/1C and 62/A and have registered for doing Coastal Aquaculture farm for a period of 5 years and done the same. While being so, the 2nd and 3rd respondents have trespassed into the petitioner's land and illegally conducting Aquaculture without obtaining proper permission or certificate of registration for performing Aquaculture. Therefore, the petitioner made several representations before the 1st respondent, however, till date no orders were passed on the petitioner's representation. Thereafter, a suit was filed by the petitioner's parents in O.S.No.15/2008 and the same was dismissed on the ground that there was no trespass by the 2nd and 3rd respondents. Thereafter, the petitioner filed a suit in O.S.No.2/2018 for declaration and recovery of possession of lands, in which the 2nd and 3rd respondents contended that they are doing "Eral Pannai" in the above said land, for which there was an oral agreement for the purchase of lands and the said contention is absolutely false. Hence, the petitioner once again made representation before the 1st respondent on 15.07.2019, however, no action was initiated so far. Hence, the present Writ petition is filed.

3.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 15.07.2019 and pass orders on the same within a particular time frame fixed by this Court.

4.The learned Government Advocate appearing for the 1st respondent submitted that though the petitioner states that the petitioner's and his parent's farms are registered under Coastal Aquaculture Authority, no such certificate of registration for doing Aquaculture or the details of renewal of the said certificate was furnished by the petitioner and therefore, the authorities were unable to know the status of the farm. Since, the petitioner himself states that the 2nd and 3rd respondents are not the owners of the said land, the respondent cannot register or renew the aquaculture farm run by the 2nd and 3rd respondents and it has to be obtained by the petitioner. He further submitted that the inspection was conducted by the Department of fisheries on 16.08.2019 and instructed the private respondent to stop the Aquaculture activity in the petitioner and his parent's land and currently, no aquaculture activities is being carried by the 2nd and 3rd respondents in the petitioner's land. Hence, he prays this Court may dismiss the present Writ petition.

5. Heard the arguments advanced on either side.

6. On perusal of the status report filed by the 1st respondent, it is observed that the Officials of the Department of fisheries conducted inspection on the petitioner's and his



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parent's lands on 16.08.2019 and it is submitted that, warning was given to the private respondents not to run aquaculture farm and currently no aquaculture farm is being run by the 2nd and 3rd respondents. Hence, the prayer sought for by the petitioner is not sustainable.

7. Recording the same, this Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Nagapattinam.
2. The Coastal Aqua Agriculture Authority,
Government of India,
5th Floor, Integrated Office Complex for
Animal Husbandry and Fisheries Department,
Nandanam, Chennai-35.

+1cc to Mr.V.K.Vijayaragavan, Advocate, S.R.No.66174

+1cc to the Government Pleader, S.R.No.66603

W.P.No.28348 of 2019

PMK(CO)

KKV/03/02/2022