



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

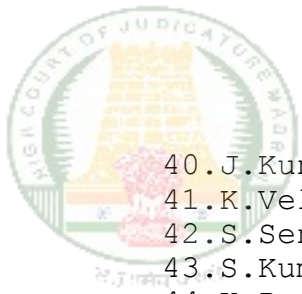
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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. No. 14751 of 2017

- 1.P.Arunkumar
- 2.M.Subramani
- 3.K.Guna
- 4.E.Sekar
- 5.K.Chellakannu
- 6.S.Senthilkumar
- 7.J.Balu
- 8.R.Veeramani
- 9.P.Kugan
- 10.V.Suresh
- 11.D.Mahendran
- 12.C.Premkumar
- 13.N.Manogaran
- 14.P.Ramachandran
- 15.A.Dhanasekar
- 16.P.Suresh
- 17.K.Veeran
- 18.P.Velu
- 19.J.Murali
- 20.A.Desakannu
- 21.N.Vanitha
- 22.N.Minnalgodi
- 23.S.Muthulakshmi
- 24.J.Sankar
- 25.D.Chandru
- 26.H.Muthu
- 27.S.Kasturi
- 28.A.Tulasingham
- 29.R.V.Ashok
- 30.B.Kumar
- 31.M.Aravalli
- 32.K.Manibalan
- 33.D.Nandakumar
- 34.R.Ramani
- 35.S.Vasu
- 36.P.Masilamani
- 37.S.AshokKumar
- 38.P.Rathinam
- 39.K.Kumar



40.J.Kunnalan
41.K.Velu
42.S.Senniappan
43.S.Kumar
44.K.Parthasarthy
45.C.Kalaiarasi
46.S.Desappan'
47.M.Selvam
48.K.Mani
49.K.Murugavel
50.S.Soosaimariyan

...Petitioners

-vs-

1. The Government of Tamil Nadu
Representated by the Secretary,
Fishery Department,
Fort St.George,
Secretariat, Chennai.
2. The Madras Port Trust,
Represented by its Commissioner,
E kal Mandapam Road,
Chennai.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus forbearing the 1st respondent and their men, agents and subordinates from compelling the shifting of the fish market from the existing place in Kasimedu to the newly proposed building in Kasimedu in violation of the order dated 16.03.1988 and made in W.P.No.3985 of 1986.

For Petitioners : Mr.Kandhan Duraisami

For Respondents : Mr.M.Shahjahan
Special Government Pleader for R1
Mr.S.Haja Mohideen for R2

O R D E R

Today when the matter is taken up for hearing, the learned counsel for the petitioners submits that, in view of the order passed by Division Bench of this Court dated 31.10.2017 in W.A.No.859 of 2017, this writ petition also may be disposed on the same lines. He has also made an endorsement to that effect.

By order, dated 31.10.2017, a Division Bench of this Court has disposed of a Writ Appeal No.859 of 2017, which arises out of a Writ Petition which is similar to the present Writ Petition, with the following observation:



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"1. Pursuant to our last order dated 23.10.2017, meeting was convened between the representatives of the appellants and the Principal Secretary of Animal Husbandry, Dairying and Fisheries Department.

1.1. This meeting was eventually held on 27.10.2017. The respondent No.1 has accordingly filed an affidavit before us dated 31.10.2017.

1.2. In paragraph No.5 of the affidavit, filed on behalf of respondent No.1, the following has been stated:

"The Principal Secretary has suggested to the appellant to use the modern facilities available in the Chennai Fishing Harbour. If there is any problem in using the new auction hall area and is brought to notice, it will be addressed then and there. Additional facilities will also be created in the Chennai Fishing Harbour if need arises. The existing allied fishing activities like retail fish marketing, ice packing of fish, ice crushing, ice retail sales are continuing in the old auction area without any hindrance. Despite the above, advantages of new auction area, if the appellant still feels he cannot move to the new facility, it is for himself to decide to continue to operate in the old auction area."

2. Having regard to the stand taken in the counter affidavit it appears that respondent No.1 has given option to the appellants to continue in the old auction area, in case they face difficulty, in operating in the new auction area.

2.1. Learned counsel for the respondents also affirms this position.

3. In view of this, learned counsel for the appellants say that he do not wish to press the writ appeal any further.

4. The impugned judgement is varied to the extent indicated above and the writ appeal is disposed of accordingly. Consequently, the pending applications shall also stand disposed of. Parties are left to bear their own costs."

2. Having regard to the above, this Court is of the view that the above said order will hold good in respect of the present Writ Petition also. Accordingly, while recording the



endorsement made by the learned counsel for the petitioners,
this writ petition is disposed of on the above lines. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jd/rap

To

1. The Secretary
The Government of Tamil Nadu
Fishery Department,
Fort St.George,
Secretariat, Chennai.
2. The Commissioner,
The Madras Port Trust,
E kal Mandapam Road,
Chennai.

+1cc to M/s.Muthumani Doraisami, Advocate, S.R.No.65999

+1cc to the Government Pleader, S.R.No.66142

W.P.No. 14571 of 2017

RSV(CO)
RGA(30/12/2021)