



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.04.2021

CORAM :

WEB COPY

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM
AND
The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD) No.7221 of 2021

Fisherman Care,
Registered Association,
Bearing S.L.No.386 of 2010,
Rep. by its President,
L.T.A.Peter Rayan,
Tiruchandur Nagar,
Old Pallavaram,
Chennai - 600 117.

.. Petitioner

Vs

1. The Union of India,
Rep. by its Secretary,
Ministry of External Affairs,
New Delhi - 110 001.
2. Union of India,
Rep. by Secretary,
Ministry of Agriculture and Farmers Welfare,
Department of Fisheries,
Krishi Bhavan, New Delhi.
3. Director General, Indian Coast Guard,
Ministry of Defence, Govt. of India,
Coast Guard Headquarters,
National Stadium Complex,
New Delhi - 110 001.
4. Additional Director General,
Indian Coast Guard, Ministry of Defence,
Govt. of India, Headquarters,
Indian Coast Guard Regional (East),
Rajaji Salai near Napier Bridge,
Chennai - 600 009.



5. The State of Tamil Nadu,
Rep. by the Principal Secretary,
Government of Tamil Nadu,
Department of Animal Husbandry and
Fisheries Department,
Fort St.George,
Chennai - 600 009.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents to conduct an enquiry as to the place of arrest and consequently take action in accordance with law with regard to the arrest of the Indian Fishermen.

For Petitioner : Mr.L.P.Maurya

For Respondents : Mrs.L.Victoria Gowri,
Additional Solicitor General,
for R1 to R3
Mr.K.P.Krishnadoss,
Special Government Pleader
for R4 and R5

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.L.P.Maurya, learned Counsel appearing for the petitioner-Association, Mrs.L.Victoria Gowri, learned Additional Solicitor General appearing for the respondents 1 to 3 and Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents 4 and 5.

2. This writ petition by way of public interest litigation has been filed by the petitioner seeking a direction to the respondents to conduct an enquiry as to the place of arrest and consequently take action in accordance with law with regard to the arrest of the Indian Fishermen.

3. The learned Counsel for the petitioner would submit that the fishermen have been released, but he is more concerned about the repeated incidents which have been occurring inspite of direction issued by the Hon'ble Division Bench of this Court more than one occasion.

4. The learned Counsel for the petitioner submitted that the



very same issue is pending before the Hon'ble Supreme Court in SLP No.8013 of 2017, in which notice has been ordered.

5. The learned Additional Solicitor General of India submitted that the incidents occurred on account of Indian fishermen tredding into Srilankan waters. This plea is stoutly opposed by the learned Counsel for the petitioner submitting that Article 6 of the agreement between the Government of India and the Government of Srilanka dated 28.06.1974, protects such rights stating that the vessels of Srilanka and India will enjoy in each other's waters whole or in part, from the other side of the boundary, the two countries shall seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and the manner in which the proceeds deriving therefrom shall be apportioned.

6. We are not expressing any opinion on the submission made on either side, as we are consious of the fact that now the issue is pending before the Hon'ble Supreme Court at the instance of the writ petitioner-Association.

7. With the above observation, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Secretary,
Union of India,
Ministry of External Affairs,
New Delhi - 110 001.
2. The Secretary,
Union of India,
Ministry of Agriculture and Farmers Welfare,
Department of Fisheries,
Krishi Bhavan, New Delhi.



3. Director General, Indian Coast Guard,
Ministry of Defence, Govt. of India,
Coast Guard Headquarters,
National Stadium Complex,
New Delhi - 110 001.
4. Additional Director General,
Indian Coast Guard, Ministry of Defence,
Govt. of India, Headquarters,
Indian Coast Guard Regional (East),
Rajaji Salai near Napier Bridge,
Chennai - 600 009.
5. The Principal Secretary,
The State of Tamil Nadu,
Government of Tamil Nadu,
Department of Animal Husbandry and
Fisheries Department,
Fort St.George,
Chennai - 600 009.

+1 CC to M/s.SPL GP (SR-16262[F] dated 17/04/2021)

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16.04.2021

RK (30.04.2021) 4P 7C