



W.P.No.180 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.180 of 2022

and

W.M.P.No.214 of 2022

Periya Kancheepuram Parvatharajakula Meen

Vyabarigal Sangam,

Represented by its President

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Kancheepuram District,
Kancheepuram.

2. The President,
Konnerikuppam Panchayat,
Kancheepuram Panchayat Union,
Kancheepuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified to call for the records of Impugned Order dated 17.12.2021 passed by the second respondent herein and quash the same.

For Petitioner : M/s.A.Sumathy

For R1 : Mr.B.Tamilnidhi
Additional Government Pleader

For R2 : Mr.P.Sanjai Gandhi



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ORDER

This writ petition is disposed after hearing the learned counsel for the petitioner and the respondent.

2. It is a specific case of the petitioner that the Petitioner's Association represents the interest of fishermen community in Kancheepuram District and that they have been allowed to vend and effect sale fish in the land at Survey No.67/2, Ponneri Karai, Kancheepuram, pursuant to a resolution passed in the year 2008 by the Konnerikuppam Panchayat on 24.01.2008, permitting the members of the fishermen community to have the fish market.

3. It is a specific case of the petitioner that after the local body election, the second respondent herein, who was elected as the President of the Konnerikuppam Panchayat has taken unilateral decision to cancel the resolution passed by the then Konnerikuppam Panchayat dated 24.01.2008.

4. The ostensible reason given by the petitioner in the affidavit is that the second respondent's husband was demanding four shops, whereas all the



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shops in the locations have been already allotted and the persons have been carrying on their business since 2008 and therefore, the impugned order has been passed with a malafide intention.

5. It is submitted that instead of issuing a proper Show Cause Notice, the impugned decision has been taken by the second respondent, the President of the Konnerikuppam Panchayat .

6. The learned counsel for the petitioner submits that the petitioners have no other remedy except to approach this Court.

7. Opposing the prayer, the learned counsel for the second respondent submits that the land in question in Survey No.67/2 is encroaching the water body land of Ponneri Karai, Kancheepuram without prior permission from the Panchayat President or any other local body and are dumping the bio-waste into the river which raises huge stink and stench and is putting the public to inconvenience.



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8. That apart, it is submitted that the Petitioner's Association can shift their shops at Jawaharlal Nehru Market, located in Periya Kancheepuram which is 0.5 Kms away from the present location or at Rajaji Market, Chinna Kancheepuram, which is 1.5 Kms away.

9. It is further submitted that the resolution that was passed on 24.01.2008 was in favour of the members of the Fishermen Community and not in favour of the Petitioner's Association.

10. It is further submitted that the Petitioner's Association itself came to be registered under Provisions of the Tamil Nadu Societies Registration Act, 1975 only in the year 2016, i.e., long after the allotment was made by the then Konnerikuppam Panchayat President on 24.01.2008.

11. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsels for the respondents. I have also perused the counter affidavit filed by the second respondent



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12. By an order dated 10.01.2022 an interim order was passed by this Court by directing the respondents not to disturb the fish market under the control of the members of the Petitioner's Association.

13. If the stand of the second respondent is correct then the second respondent has to liaise with the other local authorities in the municipality to rehabilitate the members of the Fishermen Community who have been given the area for vending fish at No.67/2, Ponneri Karai, Kancheepuram on 24.01.2008.

14. The second respondent shall also not allot the lands in favour of any other person after the Members of Petitioner's Association rehabilitated to alternate sight.

15. Under these circumstances, I am inclined to dispose this writ petition by directing the respondents to rehabilitate the Members of the Petitioner's Association to an alternate site where they can continue to run the fish market.



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WEB COPY 16. The respondents are directed to ensure that no fishing stall is put up in No.67/2, Ponneri Karai, Kancheepuram in the place where the Members of the Petitioner's Association are currently doing their business even after they are suitably rehabilitated to an alternative site. In case, a fish market is developed at No.67/2, Ponneri Karai, Kancheepuram at a later point of time, the members of the petitioner's Association who are to be rehabilitated to an alternate site pursuant to this order shall be given priority.

17. The writ petition stands disposed of with the above observations.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
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C.SARAVANAN, J.

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