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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2022

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.2173 of 2022

P.Karunanithi

...Petitioner

Vs

- 1 The Government of Tamil Nadu
Rep. By Secretary to Government,
Fisheries Department,
Fort St. George, Chennai-600 009.
- 2 The Director of Fisheries
Government of Tamil Nadu,
3rd Floor Integrated Animal Husbandry
and Fisheries Building,
Nandanam, Chennai-600 035.
- 3 The District Collector,
District Collectorate,
Mayiladuthurai District.
- 4 The District Forest Officer,
Office of the District Forest Officer,
Collectorate Campus, Nagapattinam.
- 5 The Assistant Director,
Directorate of Fisheries, Sirkazhi,
Mayiladuthurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the fifth respondent herein to consider and dispose of his representation dated 05.1.2021 along with representation of his deceased brother dated 22.01.2020 and to enquire in to the matter thoroughly and pass appropriate and necessary orders within the time as may be fixed by this Honourable Court.



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For Petitioner :Mr.R.Ramamoorthy

For Respondents:Mr.Vadivel Deenadayalan

Additional Government Pleader
- R1, 3 and 5

Mr.K.H.Ravikumar

Government Advocate - R4

O R D E R

Mr.Vadivel Deenadayalan, learned Additional Government Pleader accepts notice for R1, R3 and R5 and Mr.K.H.Ravikumar, learned Government Advocate accepts notice for R4 and both are armed with instructions to proceed with the matter finally. Hence, by consent of all counsel, this Writ Petition is disposed finally even at the stage of admission.

2. Having heard learned counsel for the petitioner and the learned counsel for the respondents, this Court is of the view that the mandamus as sought for is not liable to be granted at this juncture.

3. The brief facts are that the deceased brother of the petitioner had been running an Aquaculture Farm till 2017 in Thandavankullam village, Nagapattinam District. He had applied for a licence on 24.04.2017 in terms of Rule 12 of the Coastal Aquaculture Authorities Rules for continuing the shrimp aquaculture. This application has come to be rejected by the Assistant Director of Fisheries, Nagapattinam on 26.11.2019 and this order has not been challenged till date. Instead, the brother of the petitioner has chosen to make a representation on 22.01.2020 to re-consider his case for continuance of the aquaculture farm. This representation is, admittedly, pending.

4. With the demise of the brother of the petitioner on 20.08.2020, the petitioner has also sought the same relief, i.e., to continue the aquaculture farm in the same premises. This representation is stated to have been filed on 05.01.2021; however, learned counsel for R4 would point out that there is no proof for receipt of the same by the concerned authority.

5. Seeing as the request of the brother the petitioner for renewal of licence to run aquaculture farm has been rejected as early as on 26.11.2019, and as learned counsel for the respondents also express no objection, it would suffice to permit the petitioner or legal heirs of the deceased brother A.P.Paneer S/o. Perumal, to challenge order dated 26.11.2019.



Such challenge if made within a period of six (6) weeks from today, shall be considered on merits and in accordance with law and all applicable Rules and Regulations and disposed after hearing the petitioner.

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6. With this liberty, this Writ Petition stands disposed.
No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government,
Government of Tamil Nadu,
Fisheries Department,
Fort St. George Chennai-600 009.
- 2 The Director of Fisheries
Government of Tamil Nadu,
3rd Floor Integrated Animal Husbandry and Fisheries
Building, Nandanam, Chennai-600 035.
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+1cc to the Special Government pleader SR.8732
+1cc to the Government Pleader SR.8986

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