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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.1140 of 2022

Shanmugam

... Petitioner

Versus

1. The Assistant Director of Fisheries,
Dharmapuri.
2. FMR 21, Morappur Fishermen Cooperative Society,
Morappur,
Dharmapuri District.
3. The State rep. by
The Superintendent of Police,
Dharmapuri District.
4. The Inspector of Police,
Gobinathampatti Police Station,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.3 and 4 to provide police protection to the petitioner to carry out fishing operation in the Paraiyapatti Pudur Lake as per the request made by the first respondent in letter in Na.Ka.2077/E/2019 dated 24.07.2020 and to take action against the miscreants on the complaint of the petitioners dated 04.01.2022.

For Petitioner : Mr.V.Sakkarapani

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Writ Petition is filed to direct the respondent Nos.3 and 4 to provide police protection to the petitioner to carry out fishing operation in the Paraiyapatti Pudur Lake as per the



request made by the first respondent in letter in Na.Ka.2077/E/2019 dated 24.07.2020 and to take action against the miscreants on the complaint of the petitioners dated 04.01.2022.

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2.The contention of the petitioner is that the FMR 21, Morappur Fishermen Co-operative Society was given permission to carry out the fishing in Paraiyapatti Pudur Lake region. The lake is situated in Aalapuram panchayat. The permission was granted in Na.Ka.2077/E/2019 dated 27.01.2020 and the fishing right is for a period of five years i.e. from 2020 to 2024. The Society by its resolution had granted permission to its members viz., Rani, Vanithamani, Kanaga, Menaka, Kannaiyan, Vennila, Bhuvaneshwari and Shanmugam. The petitioner herein to carry on with the fishing activities. Thereafter the local villagers caused obstruction with ulterior motive. Rani, Vanithamani, Vennila, Menaka and Kanaga had approached this Court vide W.P.No.11369 of 2021 seeking police protection. This Court by order dated 01.06.2021 had given a direction to the police viz., the Inspector of Police, Pappireddipatti Police Station, Dharmapuri District to provide police protection. The petitioner at that time had not joined with the other society members in filing the Writ Petition. In view of he same, the petitioner's complaint dated 04.01.2022, was not entertained. Considering that the petitioner was not obtained any order from this Court.

3.The petitioner's allegation is that the Village Head Chinnaraj, Anandan, Selvam and others from the village panchayat are causing obstruction to the petitioner to carry on the fishing activities and denying the right of the petitioner who got permission through the Public Works Department and Co-operative Society. Thereafter the petitioner also remitted the fee and charges. The petitioner also produced the resolution of the Co-operative Society and fee receipt of the Co-operative Society.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

5.Considering the submissions and on perusal of the materials, this Court directs the fourth respondent to ensure that the petitioner is carrying out his fishing activities without any hindrance and obstruction from any one, more particularly from the Village head Chinnaraj, Anandan, Selvam and others.



6. With the above directions, this Writ Petition stands disposed of. However, there shall be no order as to costs.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Director of Fisheries,
Dharmapuri.
2. FMR 21, Morappur Fishermen Cooperative Society,
Morappur,
Dharmapuri District.
3. The State rep. by
The Superintendent of Police,
Dharmapuri District.
4. The Inspector of Police,
Gobinathampatti Police Station,
Dharmapuri District.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Sakkarapani, Advocate, S.R.No.5824

W.P.No.1140 of 2022

GPL (CO)
SU (11/02/2022)