



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No. 4955 of 2022

R.Vivekandanthan

...Petitioner

Vs.

1. The Secretary
Department of Fisheries and Animal Husbandries,
St George Fort, Chennai.
2. The Director and Commissioner,
Fisheries Department,
Nandanam, Chennai-55.
3. The Chief Engineer,
Fisheries and fisher welfare,
Chennai - 55.
4. The Director,
Vigilance and Anti-Corruption
Chennai.
5. Murugessan.

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider and conduct the inquiry in pursuant to petitioner's complaint dated 30.12.2021.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents : Mr.Vadivelu Deenadayalan
Additional Government Pleader
for R1 to R4

ORDER

Mr.Vadivelu accepts notice for R1 to R4 and is in possession of necessary instructions and facts to enable a final disposal



of the matter even at this stage. Thus, by consent expressed by the learned counsel for the petitioner as well as the learned Additional Government Pleader, final orders are passed in this writ petition even at the stage of the admission.

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2. The petitioner seeks a mandamus directing official respondents i.e. R1 to R3 to consider his complaint dated 30.12.2021, cause enquiry and dispose the same. The complaint as aforesaid has been addressed to the Chief Minister's Cell, though copies appear to have been sent to the official respondents arrayed in this writ petition as well.

3. Pending writ petition, R4 i.e. the Directorate of Vigilance and Anti-Corruption (DVAC) has, vide an internal communication dated 10.01.2022 captioned as Petn. No.169/2022/FISH/CC-HQ forwarded the complaint of the petitioner to the Commissioner of Fisheries and Fishermen Welfare for necessary action. Reference is inter alia made to instructions issued in Government Memo No. 1356/64/2, Public (Services-B) dated 08.04.1964 and incorporated in para 10 (3) of the Manual of the DVAC.

4. The Commissioner Fisheries and Fishermen Welfare is not arrayed as a party to this writ petition. However, seeing as action has been initiated by default in regard to the complaint filed by the petitioner, the cause of action in this writ petition does not survive any further, and there is no requirement for any mandamus. Let the concerned authority hear the petitioner and dispose the complaint as expeditiously as his roster would allow.

5. This writ petition stands disposed in the above terms. There shall be no order as to costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

nst/ska
To

1. The Secretary
Department of Fisheries and Animal Husbandries,
St George Fort, Chennai.



2. The Director and Commissioner,
Fisheries Department,
Nandanam, Chennai-55.

3. The Chief Engineer,
Fisheries and fisher welfare,
Chennai - 55.

4. The Director,
Vigilance and Anti-Corruption
Chennai.

+1cc to the Government Pleader Sr.15545

W.P.No. 4955 of 2022

pmk[col]
srg 29/03/2022