



W.P.No.39119 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.39119 of 2005

Vijayakumar

... Petitioner

/Vs./

- 1.The Collector,
Cuddalore District,
Cuddalore.
- 2.The Revenue Divisional Officer,
Cuddalore.
- 3.The Tahsildar,
Cuddalore.
- 4.The Member-Secretary,
Tamil Nadu Pollution Control Board,
Chennai.
- 5.The Member-Secretary,
Central Pollution Control Board,
Chennai.
- 6.The Pondicherry Pollution Control Board,
Pondicherry by its Member-Secretary,
Pondicherry.



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7.The Director of Fisheries,
Chennai.

8.The Assistant Director of Fisheries,
Chidambaram.

9.The Superintending Engineer,
TNEB, Cuddalore.

10.The Chief Engineer,
TNEB, Cuddalore.

11.Director of Aqua Culture,
Chennai.

12.The Assistant Director of Aqua Culture,
Chidambaram.

13.Karikalan

14.Britto Antony

15.Ezhilarasan

16.Vimalachandran

17.Murugan

18.Lingasami

19.Krishnaraj

20.Gopalakrishnan

21.Muralidharan



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22.Kousalya Devi

... Respondents

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing respondents 1 to 12 from allowing any ponds being dug or prawn culture being done in S.Nos.82/2 Hec.8.66.0, 80/2 Hec. 2.26.0 and 87/2 Hec. 1.06.0 in Sivanarpuram Village, Cuddalore Taluk, Cuddalore District and to pass such further or other orders as this Honourable Court deems fit and proper in the circumstances of the case.

For Petitioner : Mr.D.Baskar

For R1 to R3 : Mrs.Tamil Selvi
R7, R8, R11 & R12 Additional Government Pleader

For R4 & R5 : Mrs.Shanmugavalli Sekar

For R6 : Mr.C.T.Ramesh
Additional Government Pleader

For R13 to R16 & R20 : Ms.Kaavya Silambanan

For R17 to R19,
R21 & R22 : Not ready notice

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ORDER

[Order of the Court was made by D.KRISHNAKUMAR,J.]



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This Writ Petition is filed for forbearing respondents 1 to 12 from allowing any ponds being dug or prawn culture being done in S.Nos.82/2 Hec.8.66.0, 80/2 Hec. 2.26.0 and 87/2 Hec. 1.06.0 in Sivanarpuram Village, Cuddalore Taluk, Cuddalore District.

2.This matter was came-up for hearing before this Court on 16.09.2022 and this Court directed to ascertain whether the respondent Nos.13 to 22 are running the prawn culture with proper permission or approval from the competent authority under the said Act i.e. Tamil Nadu Aqua Culture (Regulation) Act, 1995. Further on instructions they had stated before this Court that no application is pending before the respondents viz., District Collector as well as the Pollution Control Board.

3.The learned counsel for the respondent Nos.13 to 16 and 20 stated that no instruction from the respondents and further stated that if the license has been obtained from the competent authority for running the prawn culture.

4.The learned counsel for the petitioner had stated that the respondent Nos.13 to 16 and 20 have not obtained any license from the authority



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concerned. Therefore the authority concerned have to take appropriate action for removal of the prawn culture in the aforesaid land.

5.The learned counsel for the petitioner submitted that he has not received any instruction from the petitioner. The writ petition is of the year 2005 and taken up for final disposal. The provision of the Aqua Culture Authority Act is of the year 2005, therefore, the private respondent Nos.13 to 16 and 20 are running the prawn culture in the aforesaid land without obtaining any permission or licence from the competent authority.

6.The petitioner made a complaint to the respondents viz., District Collector as well as the Pollution Control Board, for taking action for removing the Prawn Culture from the said land. It is for the respondents to consider the said complaint to take appropriate action, if there is any violation of the provisions of the Aqua Culture Authority Act, 2005.

7.In view of the above, the respondents viz., District Collector as well as the Pollution Control Board is directed to take necessary action, if there is



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any violation of the provisions of the Aqua Culture Authority Act, 2005 for
cultivating the prawn culture in the aforesaid land.

8. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

(D.K.K.,J.) (N.M.,J.)
21.09.2022

Index : Yes / No

Internet : Yes / No

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To

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