



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.NO.13507 OF 2022

AND

WMP NO.12688 OF 2022

F.M.C.108, Shree Ellaiamman Andikuppam  
Fishermen Co-operative Society Ltd.,  
Represented by Mr.Parthipan  
Pazhaverkadu 601 205  
Ponneri Taluk,  
Thiruvallur District

... Petitioner

Versus

1. The District Collector,  
Thiruvallur District,  
Thiruvallur.
2. The Superintendent of Police,  
Thiruvallur District.
3. The District Revenue Officer,  
Thiruvallur Collectorate,  
Thiruvallur District.
4. The Revenue Divisional Officer,  
Ponneri Taluk,  
Thiruvallur District.
5. S.Selvam

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the third respondent to conduct enquiry expeditiously and consequently direct the members of the petitioner's society to go for fishing in pursuance to the orders passed by the fourth respondent vide dated 14.12.2021 and the amicable agreement made before the panchayat on 08.05.2022 with the police protection of the second respondent.



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For Petitioner : Ms.S.Hemalatha  
For Respondents : Mr.P.Kumaresan  
Addl.Advocate General  
For R.1 to R.4

#### ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to conduct enquiry expeditiously and consequently direct the members of the Society to go for fishing pursuant to the orders passed by the fourth respondent dated 14.12.2021 and the agreement signed by the parties before the Panchayat on 08.05.2022 with police protection of the second respondent.

2.The petitioner is a President of the Society. According to the petitioner, there are 37 fishermen in the petitioner society and their group is called "Thavamani Group". It is their case that they are engaged in the traditional occupation of fishing in the coast of Pazhaverkadu through which they earn their livelihood. According to the petitioner Society, its members are the original inhabitants and their forefathers were engaged in traditional fishing in the coastal areas since time immemorial.

3. According to the petitioner, due to business rivalry, another group called "Selvam Group", the fifth respondent herein, consisting of 37 fishermen families started creating dispute in separation of areas and because of the dispute, the members of the petitioner society have not gone for fishing for the past one year. The petitioner society had earlier given a representation on 29.11.2021 to the fourth respondent. According to the petitioner, based on the said representation, the fourth respondent called for mediation on 10.12.2021 and heard both the parties. After hearing both sides, by proceedings dated 14.12.2021, the fourth respondent directed the petitioner society and the fifth respondent to carry out the fishing in their allotted areas so as to avoid law and order problem and further disputes. Both the groups were directed to carry out the fishing in north side and east side respectively on rotation basis.

4. According to the petitioner, though an order has been passed by the fourth respondent dividing the area of fishing, the fifth respondent did not allow the petitioner society to carry out fishing operation in their allotted areas and because of the fifth respondent preventing the petitioner society members from fishing in the allotted areas, its members have



suffered financial crisis. According to the petitioner society, its members are entitled to go for fishing and earn their livelihood and any prevention will amount to violation of their fundamental rights. Since the disputes were prolonging, the third respondent sent a Notice dated 07.02.2022 to the petitioner society calling upon them to come for an enquiry on 24.02.2022 and on subsequent dates. According to the petitioner, on 08.05.2022, a community panchayat was conducted between the members of the petitioner society and the members of the fifth respondent group and it was agreed to divide the area of fishing operation. According to the petitioner, even the Resolution passed in the community panchayat on 08.05.2022 was not obeyed by the fifth respondent group. The petitioner has also given a representation on 23.05.2022 to the respondents requesting the official respondents to protect the interest of the petitioner by allowing them to do their fishing activity in terms of the order dated 14.12.2021 and the Resolution passed in the community panchayat on 08.05.2022.

5. According to the petitioner, despite the aforementioned order as well as the Resolution, till date, its members have not been allowed to do their fishing activity on account of obstruction made by the fifth respondent and its group. In such circumstances, this writ petition has been filed.

6. This Court in the earlier hearing on 15.06.2022 directed the fifth respondent to file counter. Learned counsel for the fifth respondent was present on the last hearing date. But, today, he is absent. The matter is listed today for counter and disposal.

7. The learned counsel for the petitioner society claims that the members of the petitioner society have not been able to carry out the fishing activity on account of the obstruction caused by the fifth respondent and its group. According to the petitioner, as seen from the affidavit, its members have not been able to carry out fishing activity for more than a year. The order dated 14.12.2021 passed by the fourth respondent segregating the areas of fishing between the petitioner society and the fifth respondent group is also enclosed. The agreement reached in the community panchayat on 08.05.2022 is also produced. The petitioner seeks for implementation of the order dated 14.12.2021 passed by the fourth respondent and subsequent agreement reached between the parties before the panchayat on 08.05.2022. Since counter affidavit has not been filed till date by the fifth respondent and even on the last hearing date on 15.06.2022, an undertaking was given by the learned counsel for the fifth respondent that counter will be filed positively, the contention of the petitioner in the affidavit filed in support of the writ petition will have to be accepted in view of the



fact that the petitioner has also produced the order dated 14.12.2021 passed by the fourth respondent segregating the areas of fishing between two groups and the agreement dated 08.05.2022 reached before the community panchayat. Learned Additional Advocate General appearing for the official respondents has also not disputed the fact that an order was passed by the fourth respondent on 14.12.2021 segregating the fishing areas between the rival groups followed by the amicable resolution passed before the community panchayat on 08.05.2022.

8. After giving due consideration to the aforementioned facts as well as upon perusing and examining the documents/orders filed in support of this writ petition, this Court is of the considered view that the prayer sought for in this writ petition has to be granted in favour of the petitioner.

9. Accordingly, this Court directs the first respondent to implement the order dated 14.12.2021 passed by the fourth respondent as well as the amicable agreement dated 08.05.2022 reached between two groups before the community panchayat and in case, the petitioner requires police protection, they can seek the same from the second respondent who shall consider the said request on merits and in accordance with law.

10. With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sr

To

1. The District Collector,  
Thiruvallur District,  
Thiruvallur.
2. The Superintendent of Police,  
Thiruvallur District.



3. The District Revenue Officer,  
Thiruvallur Collectorate,  
Thiruvallur District.

4. The Revenue Divisional Officer,  
Ponneri Taluk,  
Thiruvallur District.

+lcc to Ms.S.Hemalatha, Advocate, S.R.No.38434

W.P.No.13507 of 2022

JPL (CO)  
PM/27/06/2022