



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.2360 of 2022

Chandrakumar

... Petitioner

Vs.

1.The Joint Director,
Fisheries Department,
District Collector Office,
Ramanathapuram District.

2.The Assistant Director,
Fisheries Department,
Rameshwaram,
Ramanathapuram District.

3.The President,
Rmm.59, Paykkarumbu Fishermen Cooperative Society,
Paykkarumbu Village,
Thangatchimadam,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second respondent to disburse the special subsistence allowance for lean period to the petitioner by considering representation dated 02.10.2018.

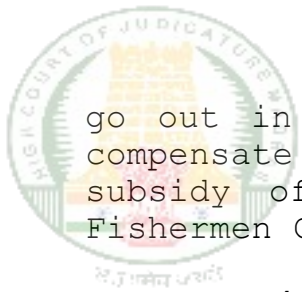
For Petitioner : Mr.K.Sivabalan
For Respondents : Mr.J.John Rajadurai,
Government Advocate.

ORDER

The Writ Petition has been filed by a fisherman, seeking payment of subsistence allowance for the lean period.

2. Heard Mr.K.Sivabalan, learned counsel for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who takes notice for the respondents.

3. In the affidavit filed in support of the Writ Petition, it had been stated that there are long periods of time, when, owing to weather, the Government issues directions to the fishermen not to



go out in the sea. Those periods are called lean periods. To compensate for the loss of earning, the Government also gives a subsidy of Rs.5000/- to the fishermen who are members of the Fishermen Co-operative Societies.

4. The petitioner claims to be a member of the third respondent / Paykkarumbu Fishermen Cooperative Society, Paykkarumbu Village, Thangatchimadam, Ramanathapuram District. He had given a representation on 02.10.2018 seeking such subsidy from the year 2018 onwards. Since the said application had not been considered, the present Writ Petition has been filed.

5. Let me not keep the Writ Petition pending any further on the board of this Court, but, issue a Mandamus to the second respondent / the Assistant Director, Fisheries Department, Rameshwaram, Ramanathapuram District, to, on the basis of the representation given by the petitioner, issue notice to the petitioner, to examine the records and examine whether the petitioner is eligible for such subsidy, examine also whether other fishermen had been granted subsidy and also examine the reason as to why the petitioner alone has been left out without grant of subsidy. Let all these issues be enquired into by the second respondent and thereafter, let an order be passed within a period of twelve (12) weeks from the date of receipt of a copy of this order. In view of the fact that the representation of the petitioner is dated 02.10.2018, a fresh representation may be given by the petitioner on or before 18.02.2022 and the second respondent may act as aforesaid on the basis of the said representation.

6. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Joint Director,
Fisheries Department,
District Collector Office,
Ramanathapuram District.

2.The Assistant Director,
Fisheries Department,
Rameshwaram,
Ramanathapuram District.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-4293[F] dated 04/02/2022)

+1 CC to M/s.SPL.GP (SR-4526[F] dated 07/02/2022)

**W.P. (MD) .No.2360 of 2022
04.02.2022**

PK(CO)
TR(21.02.2022) 3P 5C