



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.4639 of 2022

and

W.M.P. (MD) .Nos.3879 and 5264 of 2022

P.Veerasamy

... Petitioner

Vs.

1.The Commissioner of Fisheries Welfare and
Fishermen Welfare Department,
Chennai - 600 035.

2.The Deputy Director,
Fisheries Welfare and Fishermen Welfare
Department (Regional),
Madurai.

3.The Assistant Director,
Fisheries Welfare and Fishermen Welfare
Department,
Dindigul.

4.The Inspector of Fisheries Welfare,
Oddanchathiram,
Dindigul.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the third respondent herein in Na.Ka.No.135/E/2014 dated 08.03.2022, quash the same and consequently forbear the respondents herein from in any manner interfering with the peaceful enjoyment of the second year lease commenced from 09.03.2022.

For Petitioner	:	Mr.N.Mohideen Basha
For Respondents	:	Mr.D.Sasikumar, Additional Government Pleader.

ORDER

This Writ Petition has been filed challenging the impugned order dated 08.03.2022 issued by the third respondent calling upon the petitioner to pay a sum of Rs.1,19,518/- for the alleged excess



unstocked fish harvest made by him to the extent of 35,232 kgs, based on the report received by the fourth respondent.

2. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. According to him, the report of the fourth respondent reflected in the impugned order was not furnished to him and therefore, the impugned order has to be quashed, as it violates the principles of natural justice.

3. On the last hearing date on 16.03.2022, this Court granted an interim order in favour of the petitioner as prayed for in W.M.P. (MD).No.3879 of 2022 on the ground that the petitioner was not afforded an opportunity of hearing by the third respondent before passing the impugned order.

4. Today, when the matter was listed once again for hearing, the learned Additional Government Pleader appearing for the respondents would submit that the impugned order can be treated as a show cause notice to enable the petitioner to submit a reply and on receipt of the said reply, the third respondent shall pass final orders. The said statement is recorded.

5. No prejudice would be caused to the petitioner, if such an exercise is directed by this Court.

6. Accordingly, the impugned order dated 08.03.2022 passed by the third respondent is treated as a show cause notice and the petitioner is directed to send a reply to the same to the third respondent within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of the said reply, after affording a personal hearing to the petitioner and after giving due consideration to the reply sent by the petitioner, the third respondent shall pass final orders on merits and in accordance with law within a period of four (4) weeks thereafter. Till final orders are passed, the respondents shall not demand any money from the petitioner as claimed in the impugned order dated 08.03.2022, which is now treated as a show cause notice.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner of Fisheries Welfare and
Fishermen Welfare Department, Chennai - 600 035.

2.The Deputy Director,
Fisheries Welfare and Fishermen Welfare
Department (Regional), Madurai.

3.The Assistant Director,
Fisheries Welfare and Fishermen Welfare Department,
Dindigul.

4.The Inspector of Fisheries Welfare,
Oddanchathiram, Dindigul.

+1 CC to M/s.N. MOHIDEEN BASHA, Advocate (SR-19441[F]
dated 19/04/2022)

+1 CC to M/s.SPL.GP (SR-19356[F] dated 19/04/2022)

W.P. (MD) .No.4639 of 2022

18.04.2022

NSN(CO)

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