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W.P.(MD)NO.12171 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12171 of 2019 and
W.M.P.(MD)No.9143 of 2019

M.Nizar Hussain Deen

... Petitioner

Vs.

1. The Director of Fisheries,
O/o.The Director of Fisheries,
Nandhanam, Chennai.
2. The Assistant Director of Fisheries,
O/o.The Assistant Director of Fisheries,
Collectorate,
Ramanathapuram,
Ramanathapuram District.
3. The District Collector,
Ramanathapuram District,
Ramanathapuram.
4. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
5. The Tahsildar,
Keelakarai,
Ramanathapuram District.
6. The Joint Commissioner,
O/o.The Joint Commissioner,
Ramanathaswamy Thirukovil,
Rameshwaram,
Ramanathapuram District.



7. S.Raja

(R-7 is impleaded vide order dated 12.12.2022
in W.M.P.(MD)No.10750 of 2020)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from permitting/ allowing the Aqua Culture Farm/Shrimp Farms in S.No.544/3A1, Sedhukkarai Village, Keelakarai Taluk, Ramanathapuram District, in conformity with the judgment made in A.S.No.62 of 2003 on the file of the Principal District Judge, Ramanathapuram.

For Petitioner : Mr.Mohamed Suhail,
for M/s.Ajmal Associates.

For R-1 to R-5 : Mr.B.Saravanan,
Additional Government Pleader.

For R-6 : Mr.S.Ramesh

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ORDER

Heard the learned counsel on either side.

2. The petitioner wants this Court to restrain the official respondents from permitting or allowing the Aqua Culture Farms / Shrimp Farms in the petition mentioned survey numbers. The entire case of the writ petitioner is



anchored on the decree dated 12.01.2004 made in A.S.No.62 of 2003 on the file of the Principal District Judge, Ramanathapuram.

3. It is seen that it is only the third respondent who is figuring as the third defendant in the appeal suit proceedings. The sixth respondent who is the lessor is not figuring as one of the parties in the proceedings. Therefore, no direction can be made against the sixth respondent on the strength of the aforesaid decree dated 12.01.2004. The learned counsel appearing for the petitioner categorically assert that the said decree has become final. If that be so, it will bind only the parties to the suit and not the sixth respondent.

4. Having made this clear, I must make one observation. The Hon'ble Apex Court passed some directions as regards setting up of Aqua Culture Farms / Shrimp Farms. It is needless to say that any decision of the Hon'ble Apex Court under the law of land will operate in rem and it will bind all the parties concerned.



5. With this observation, this writ petition stands allowed in so far as respondents 1 to 5 are concerned. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Director of Fisheries,
O/o.The Director of Fisheries,
Nandhanam, Chennai.
2. The Assistant Director of Fisheries,
O/o.The Assistant Director of Fisheries,
Collectorate, Ramanathapuram,
Ramanathapuram District.
3. The District Collector,
Ramanathapuram District,
Ramanathapuram.
4. The Revenue Divisional Officer,
Ramanathapuram,Ramanathapuram District.
5. The Tahsildar, Keelakarai, Ramanathapuram District.
6. The Joint Commissioner,
O/o.The Joint Commissioner,
Ramanathaswamy Thirukovil,
Rameshwaram,
Ramanathapuram District.



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G.R.SWAMINATHAN,J.

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