



W.P.(MD)No.15631 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.15631 of 2022
and
W.M.P.(MD)No.11253 of 2022

D.Hajathu Beevi

.. Petitioner

Versus

1.The District Collector/
Chairperson of District Level Committee of
Coastal Aquaculture Authority,
Collectorate,
Ramanathapuram District.

2.The Assistant Director of Fisheries/
Member Convener,
Coastal Aquaculture Authority,
Fisheries Department,
Ramanathapuram District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 25.05.2022, passed by the second respondent, quash the same as illegal and consequently, direct the second respondent to provide Certificate of Registration for licence to the petitioner's Aquaculture Shrimp Farm, based on the application, dated 24.01.2022, made as per Section 9 of the Coastal Aquaculture Authority Rules, 2005.



W.P.(MD)No.15631 of 2022

For Petitioner : Mr.T.Lajapathi Roy
for Mr.I.Pinaygash

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

WEB COPY

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 25.05.2022, passed by the second respondent, quash the same as illegal and consequently, direct the second respondent to provide Certificate of Registration for licence to the petitioner's Aquaculture Shrimp Farm, based on the application, dated 24.01.2022, made as per Rule 9 of the Coastal Aquaculture Authority Rules, 2005 [hereinafter referred to as "the Rules"].

2.The case of the petitioner is that she purchased the property in S.No. 299/2, situated at Vadakadu Village, Rameshwaram Revenue Village, Rameshwaram Taluk, Rameshwaram District, on 01.03.2019. She intends to put up a Shrimp farm in the above said Patta land, measuring an extent of 0.84.50 Hectares. On 24.01.2022, the petitioner made an application along with necessary documents before the second respondent for granting licence of Shrimp Farm (*Penaeus Monodon*) as per Rule 9 of the Rules and necessary fees for registration by way of Demand Draft No.579370, drawn on Indian Bank, Bharathinagar Branch, Ramanathapuram.



W.P.(MD)No.15631 of 2022

3.The petitioner submits that the respondent did not provide Registration Certificate to grant licence of Shrimp farm. On receipt of an application, the District Level Committee headed by the District Collector shall verify the particulars given in the application in respect of Coastal Aquaculture Farm as per Rule 10 of the Rules. Now, the application is pending for the past six months for consideration of the second respondent.

4.The petitioner further submits that the second respondent orally instructed the petitioner to do the basic foundation work for setting up Shrimp farm by following the procedure laid down in the Rules and thereafter, the District Level Committee shall inspect the farm and pass appropriate orders. The petitioner also carried out the work in the Shrimp farm by strictly adhering the Rules after obtaining commercial electricity service connection. On 25.05.2022, the second respondent has passed the impugned order stating that they have closed the Shrimp farm on the ground that it was running without getting a proper licence as required under the Coastal Aquaculture Authority Act, 2005 [hereinafter referred to as "the Act"].

5.The second respondent passed the impugned order without application of mind and he did not pass an order on the application submitted by the petitioner for the past six months and the said Farm is yet to commence its



W.P.(MD)No.15631 of 2022

business. Further, closing down the processing unit of the petitioner's Shrimp farm without licence is in violation of principles of natural justice. Though in the impugned order it has been mentioned as "Notice", the second respondent has straightaway passed the order for closing down the Shrimp farm by way of final order and no opportunity of hearing was given to the petitioner.

6. When the matter was taken up for hearing on 06.09.2022, this Court directed the learned Government Advocate to get instructions.

7. A counter affidavit has been filed by the second respondent stating that the averments made in the petition are false and no such application has been received from the petitioner on 24.01.2022 and there is no such application pending before second respondent and it is wrong to submit that she has filed an application and no proof has been filed before this Court to prove the same. Hence, registration of the petitioner's Shrimp farm does not arise without application. The petitioner illegally set up the Shrimp farm and also obtained electricity service connection illegally without submitting the documents related to Shrimp farm and the electricity service connection has to be obtained only after obtaining licence of Shrimp farm. Further, the farm was constructed without any permission and a rape and murder attempt of a Woman, took place in the petitioner's farm on 24.05.2022 and hence, by the



W.P.(MD)No.15631 of 2022

direction of District Administration, during the peace committee meeting held on 25.05.2022, a notice was pasted in the petitioner's farm to stop all activities of Shrimp farm in the presence of Tahsildar, Revenue and Police Officials and necessary communication has been given to her over phone through Police Department. Further, without applying for registration, the petitioner is claiming Registration Certificate after the law and order issue arise at her Farm. The act of the petitioner is totally illegal and in order to deviate the District Administration, the petitioner has approached this Court by way of filing the present Writ Petition.

8.Though action was initiated against the petitioner's Farm in a right way, the petitioner is trying to register the Farm, which was set up illegally by approaching this Court, stating such false information. The activities of the Farm were stopped following all guidelines and law and order issues with necessary information. The petitioner herself has proved that she has violated the Act, assuming that her application is pending before the second respondent. Without submitting an application, the petitioner is claiming Registration Certificate, though she had constructed the Farm illegally.

9.Further, as per Section 13 of the Act, a person, who intends to carry on coastal aquaculture shall make an application for registration of his farm before the authority in such form accompanied with such fees as may be



W.P.(MD)No.15631 of 2022

prescribed for the purpose of registration under sub-section (5) and only on receipt of such application, the authority shall consider the application in the prescribed manner and after considering the application either register the farm or reject the application, and only at this juncture, opportunity would be given to the person, who has applied for registration and the reasons for rejection will be given to him.

10.At this juncture, Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner would submit that the petitioner will file a fresh application before the authorities concerned along with necessary documents and fees and the authorities can consider the same and pass appropriate orders.

11.In view of the above said submission, this Court directs the petitioner to approach the authorities concerned along with necessary documents and fees. The impugned order passed by the second respondent cannot be quashed at this juncture. It is left open to the petitioner to approach the authorities concerned, if he is so desired.

12.With the above observation, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No

15.09.2022



W.P.(MD)No.15631 of 2022

To

WEB COPY

- 1.The District Collector/
Chairperson of District Level Committee of
Coastal Aquaculture Authority,
Collectorate,
Ramanathapuram District.
- 2.The Assistant Director of Fisheries/
Member Convener,
Coastal Aquaculture Authority,
Fisheries Department,
Ramanathapuram District.



WEB COPY



W.P.(MD)No.15631 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD) No.15631 of 2022

15.09.2022