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W.P.No.11908 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.11908 of 2023

C.Padma

... Petitioner

Vs.

1.The Assistant Director of Fisheries and
Fishermen Welfare Department,
Krishnagiri District.

2.The Inspector of Fisheries and
Fishermen Welfare Department,
Poachampalli Taluk,
Krishnagiri District.

3.Chandra

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to consider and pass orders on the petitioner's representation dated 10.01.2023 with regard to allotment of share fisherman rights to petitioner in Barur lake at Krishnagiri District within a stipulated time as fixed by this Court.

For Petitioner : Mr.P.M.Jayachandran

For Respondents : Mr.S.Jayachandran
Government Advocate [R1 & R2]



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ORDER

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The Writ Petition is filed seeking for a Writ of Mandamus, to direct the first respondent to consider and pass orders on the petitioner's representation dated 10.01.2023 with regard to allotment of share fisherman rights to petitioner in Barur lake at Krishnagiri District within a stipulated time as fixed by this Court.

2. Since no adverse order has been passed against the third respondent, notice to the third respondent is dispensed with.

3. The case of the petitioner is that her father was working as share fisherman under the second respondent and he died on 13.09.2022 while he was in service, leaving behind the petitioner and other legal heirs. Due to the sudden death of her father, who was the bread winner of the family, the petitioner's family is without any support and is unable to meet even the daily needs. Therefore, the petitioner made a representation along with documents on 25.11.2022 to the first respondent seeking job on sympathetic ground.



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3.1. It is the further case of the petitioner that first respondent vide its proceedings dated 06.01.2023 informed the petitioner that one Chandra is the second wife of her late father and she was nominated as share fisherman and the petitioner was appointed as assistant and granted permission for fishing in Barur lake. Thereafter, the petitioner made a representation on 10.01.2023 objecting the nomination of third respondent as share fisherman, to which, enquiry notice dated 02.02.2023 was issued by the second respondent, which was attended by the petitioner. However, the respondents had not passed any orders on the said enquiry. Therefore, the petitioner sent a lawyer notice on 06.03.2023 calling upon to allot the right of share fisherman on the petitioner. However, without passing any orders on the same, the respondents are taking steps to allow the third respondent to work as share fisherman in Barur lake. Therefore, the petitioner has filed the above writ petition before this Court.

4. Though very many grounds have been raised in the above writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the first respondent to consider the



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petitioner's representation dated 10.01.2023 and pass appropriate orders, within a time frame that may be fixed by this Court.

5. The learned Government Advocate appearing for the respondents 1 and 2 submits that, admittedly, the petitioner's father was enjoying the share fisherman rights and after his death, his share was transferred to his second wife, third respondent herein. However, without challenging the allotment order granting permission for fishing in Barur lake to the third respondent, filing this writ petition seeking allotment of the share fisherman rights to the petitioner, is not sustainable. Hence, he prays for dismissal of this writ petition.

6. Heard Mr.P.M.Jayachandran, learned counsel for the petitioner and Mr.Mr.S.Jayachandran, learned Government Advocate appearing for the respondents 1 and 2 and perused the materials available on record.

7. As has been rightly pointed out by the learned Government Advocate appearing for the respondents 1 and 2, that the petitioner's father was enjoying the share fisherman rights and after his death, his share was



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transferred to the third respondent, who is the second wife of the petitioner's father. Therefore, without challenging the said allotment in favour of the third respondent, approaching this Court by way of filing the above Writ Petition is not maintainable. Hence, the prayer sought by the petitioner cannot be granted and the Writ Petition is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioner to workout the remedy in the manner known to law. No costs.

20.04.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

- 1.The Assistant Director of Fisheries and
Fishermen Welfare Department,
Krishnagiri District.
- 2.The Inspector of Fisheries and
Fishermen Welfare Department,
Poachampalli Taluk,
Krishnagiri District.



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M.DHANDAPANI, J.

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