



W.P. No. 24230 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 24230 of 2023

and

W.M.P. No. 23693 of 2023

E.32, Sathanur Anai Pangu Meenavargal Kooturavu Virpanai Sangam Ltd.,
Rep. by its President,
R.Shanmugam,
Sathanur Dam – 606 706.

... Petitioner

-VS-

1. The Commissioner,
Commissioner of Fisheries and Fishermen Welfare,
Nandhanam,
Chennai – 600 035.
2. The Joint Director (Zone),
Directorate of Fisheries and Fishermen Welfare,
DMS Campus,
Teynampet,
Chennai – 600 006.
3. The Assistant Director,
Directorate of Fisheries and Fishermen Welfare,
Gandhinagar,
Vellore – 3.
4. Thenpennai Aatrupadugai Meenavar Kooturavu Sangam,
D. No. 80, Pillaiyar Koil Nadu Theru,
Ariyakunjur,
C.Sorpananthai Post,
Chengam Taluk,
Tiruvannamalai District,
Rep. by its President.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Third Respondents to cancel the registration of the Fourth Respondent Society in view of overlapping the area of operation of the Petitioner Society, i.e., fishing activities in Sathanur Dam and Pickup Dam as per the representation of the Petitioner dated 13.06.2023 and in light of the order passed in W.P. No. 7249 of 2007 dated 03.04.2012.

For Petitioner : Mr. V.Elangovan

For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate (for R1 to R3)

Mr. S.Senthilnathan (for R4)

ORDER

Heard Mr. V.Elangovan, Learned Counsel for the Petitioner, Mr. S.J.Mohamed Sathik, Learned Government Advocate appearing for the First to Third Respondents and Mr. S.Senthilnathan, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First to Third Respondents to cancel the registration of the Society of the Fourth Respondent



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in view of overlapping of the area of operation of the Society of the Petitioner Society, i.e., fishing activities in Sathanur Dam and Pickup Dam, as per the representation dated 13.06.2023 made by the Petitioner and in light of the order dated 03.04.2012 in W.P. No. 7249 of 2007 passed by the Court.

3. The Third Respondent has filed Counter-Affidavit dated 11.08.2023 stating as follows:-

“3. It is submitted that with reference to the para 4, the Petitioner Society has stated that the Fourth Respondent Society registered under Section 9 of the Act as a Society on 27.09.2022 before the Third Respondent as per the approved by law of the Petitioner Society, the area of operation is Sathanur Dam and Pick up Dam. But in the case of newly registered FCST 56 Thenpennai Aatrupadugai Fishermen Co-operative Society is Tiruvannamalai District, Chengam Taluk, Villages like Ariyakunjur, Arattavadi, Pinjur, Thalaiyuthu, Andipati, Puliyampatti, C.Sorapananthal, Melvannakampadi, Ilangunni and Neeputhurai. Hence, the area of operation of the Petitioner and the Fourth Respondent Societies are completely different



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from each other. The Petitioner Society is trying to waste the time of the Hon'ble Court by filing this Writ Petition in the Hon'ble Court.

4. *It is submitted that with reference to the para 5 & 6, it is respectfully submitted that the villages come under the operation area of the newly registered Fourth Respondent Society entirely contrasting to the area of operation of the Petitioner Society. The President of the Petitioner Society (E.32 Sathanur Dam Share Fishermen Co-operative Society) has sent letter on 17.10.2018 to the fishermen people residing at Ariyakunjur and Talaiyuthu Revenue Panchayat Villages stated that these are the villages are not comes under the operational area of E.32 Sathanur Dam Share Fishermen Co-operative Society. Hence the Petitioner itself accepting the area of operation of newly created Society is different from his Society.*

Later, the Petitioner letter dated 10.12.2021 to the Third Respondent stating that the operation area of the newly created Society comes under the area of operation of the E-32 Sathanur



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Dam Share Fishermen Co-operative Society. Hence, the Petitioner purposefully making objection to the creation of FCST-56 Thenpennai Aatrupadugai Fishermen Co-operative Society.”

4. The Fourth Respondent has filed Counter-Affidavit dated 05.09.2023 stating as follows:-

“6. I submit that according to the Petitioner the area of operation of the Petitioner Society is Sathunur Dam and Pick up Dam now that comes under Thandarampattu Taluk. The area of operation of the Fourth Respondent Society is in the villages of Ariyakunjur, Arattavadi, Pinjur, Thalaiyuthu, Andipatti, Puliyampatti, C.Sorpananthal, Melvanakkambadi, Ilangunni and Neepathurai that comes under Chengam Taluk. Hence, there is no over lapping in the area of operation as alleged by the Petitioner.

7. I submit that in fact the members of the Petitioner Society are crossing their limits and are catching fish in the area of operation of the Fourth Respondent Society and the same is



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unauthorized and illegal. All other allegation made against the

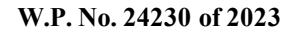
Fourth Respondent Society regarding entering the area of operation of the Petitioner Society is denied.”

5. Learned Counsel for the Petitioner has filed a memo dated 04.10.2023 stating as follows:-

“2. It is submitted that the Third and Fourth Respondents filed a counter in which it is categorically admitted that the area of operation of the Petitioner Society and the Fourth Respondent is different from each other.

3. However the grievance of the Petitioner Society is that the members of the Fourth Respondent Society should not indulge in illegal fishing activities in the area assigned to the Petitioner Society.

4. Hence it is prayed that this Hon'ble Court may be pleased to record the statement of the Third and Fourth Respondents (para 3 & 4 in the Third Respondent's Counter and para 6 & 7 of the Fourth Respondent's counter) and close the Writ Petition by directing the Fourth Respondent Society not to indulge in fishing activities in the area assigned to the Petitioner Society



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Teynampet,
Chennai – 600 006.

3. The Assistant Director,
Directorate of Fisheries and Fishermen Welfare,
Gandhinagar,
Vellore – 3.



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P.D. AUDIKESAVALU, J.

vjt

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