



WEB COPY



W.P.No.27611 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.27611 of 2023
and W.M.P.No.27066 of 2023

1.M.Narasimhan
2.R.Vinithkumar
3.S.Velu

... Petitioners

Vs.

1.The District Collector,
Puducherry,
Vazhudavoor Road, Pettaiyanchathiram,
Puducherry – 605 009.

2.The Secretary,
Fisheries Department,
Chief Secretariat, Goubert Avenue,
Puducherry – 605 001.

3.The Commissioner,
Oulgaret Municipality,
Jawarhar Nagar, Puducherry – 605 005.

4.The Director,
Fisheries Department,
Thengaithittu Fishing Harbour,
Thengaithittu, Puducherry – 605 004.



W.P.No.27611 of 2023

5.The Senior Superintendent of Police (Law & Order)
Maraimalai Adigal Salai, Near New Bus Stand,
Orleanpet, Puducherry – 605 001.

6.The Deputy Collector (Revenue-North),
Kamarajar Salai, New Saram, Puducherry – 605 013.

7.The Superintendent of Police (Law & Order) North,
Vazhudavour Road, Mettuplayam Police Complex,
Mettupalayam, Puducherry – 605 009.

8.The Revenue Officer,
Oulgaret Municipality,
Jawahar Nagar, Puducherry – 605 005.

9.The Inspector of Police (Law and Order),
Dhanvandri Nagar Police Station,
Tindivanam Road, Gorimedu,
Puducherry – 605 006.

10.The President,
Puducherry Mechanized Boat Owners Association,
Thengaithittu Fishing Harbour,
Thengaithittu, Puducherry – 605 004.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the 1st respondent to consider our representations dated 09.08.2023 and 12.09.2023 and pass order for selling of other States fish, prawns and other types of sea foods and fix number of boxes to be sold in a day is above than 360 boxes by 9 merchants of MHFM, including petitioners, and issue pass to them in terms of the minutes of the meeting held on 04.11.2020 under the Chairmanship of



W.P.No.27611 of 2023

the Hon'ble Minister for Fisheries with the merchants of Modern Hygienic Fish Market, ECR and Mechanized Boat Owners Association.

For Petitioner : Mr.S.Pushpakaran
For R1 to R9 : Mr.A.Tamilvanan
Additional Government Pleader (P)

ORDER

The petitioner herein requires the respondents herein to consider his representation dated 09.08.2023 and 12.09.2023, in which he has *inter alia* complained that he is a local fisherman and that other fisherman who do not hail from Puducherry are competing with them through certain self styled regulators and also create an illegal fish market in certain localities of Puducherry which are barred for the local fisherman.

2.Mr.A.Tamilvanan, learned Additional Government Pleader (P) takes notice for the respondents 1 to 9.

3.So far as competition among the fisherman is concerned, no right of a citizen to do his business can be curtailed unless the Government puts in place any such reasonable restriction within the meaning of Article 19(6) of



W.P.No.27611 of 2023

the Constitution and so far as the allegation that illegal fish market is permitted to be open in localities which are barred for local fisherman is concerned, this is a serious issue and this Court now requires the Government to come out with a policy decision on the same. Let law be administered equally for equal citizens. This Court also requires the Government to have greater vigilance on those officials of whichever Department, who are responsible for the state of affairs complained of, if only they are found to be true. While framing the policy decisions and regulations, the Government is also required to hear all those who are likely to be affected by its decision. The solution is required to be found within a period of twelve(12) weeks from the date of receipt of a copy of this order.

4. Accordingly, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

21.09.2023

Tsg



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W.P.No.27611 of 2023

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