



W.P(MD)No.14767 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14767 of 2019

and

W.M.P(MD)Nos.23100 of 2022 & 701 of 2023

A.Pachammal

... Petitioner

Vs

- 1.The State represented by
The District Collector,
Madurai District,
District Collectorate,
Madurai – 20.
- 2.The Chief Engineer,
Public Works Department,
(Water Resources),
Benni Quick Building,
Chokkikulam,
Madurai – 2.
- 3.The Assistant Director of Fisheries,
Petchiamman Padithurai Road,
Madurai – 625 001.
- 4.The President,
Madurai Taluk Fisherman Co-operative
Society,
(South) A-2407,
A.Jeyaraman,



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S/o.Perummal,
No.A-43, Bye Pass Road,
Avaniyapuram,
Madurai – 625 012.

5.The Vice-President,
Madurai Taluk Fisherman Co-operative
Society,
(South) A-2407,
Rajalakshmi,
W/o.Alagappan,
Parapathi Street,
Koothiyarkundu,
Madurai – 625 008.

6.V.Sonai
***(R.6 is impleaded vide order of
this Court dated 23.12.2022 in
W.M.P(MD)No.23083 of 2022)***

7.R.Periya Karupu Raja
***(R.7 is impleaded vide order of
this Court dated 11.01.2023 in
W.M.P(MD)No.700 of 2023)***

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to forbear the respondents 4 and 5 from indulging in the illegal fishing activities based on the petitioner's representation dated 22.05.2019 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.M.Vivek Kumar

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate for R.1 to R.3

Mr.T.Lajapathi Roy for R.4



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Mr.C.Mayilvahana Rajendran for R.6

Mr.R.Shankar Ganesh for R.7

No Appearance for R.5

ORDER

Heard the learned counsel on either side.

2. The allegation of the writ petitioner is that even though Madurai Taluk Fisherman Co-operative Society was granted fishery rights in respect of five tanks, the members of Societies are not being benefited. I therefore called upon the office bearers of the Society to convene the general body meeting and resolve the issue. I am happy to record that the resolution was passed on 06.01.2023 addressing the concerns of the writ petitioner. A copy of the resolution has also been produced before this Court. The said resolution dated 06.01.2023 shall form a part of the order. The petitioner / A.Pachammal has been permitted to discharge security duties and also take part in the fishing along with 33 others in Nilayoor Kanmoi. The learned counsel appearing for the petitioner categorically states that he has no further issue to canvas in the writ petition.

3. Mr.C.Mayilvahana Rajendran, learned counsel appearing for the sixth respondent / V.Sonai in the writ petition states that he has been left out. The



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learned counsel appearing for the Society states that it is open to the sixth respondent to submit a formal request to the fourth respondent and he shall also be permitted to carry out security duty and also fish in Ayyavaithan Kanmoi.

4. Mr.R.Shankar Ganesh, learned counsel appearing for the impleaded seventh respondent states that interim order granted by this Court was misconstrued by the authorities and the seventh respondent was prevented from harvesting fish in Perungudi Kanmoi. It is made clear that Perungudi Kanmoi is not the subject matter of this writ petition. With this observation and clarification, this writ petition is allowed. The resolution dated 06.01.2022 shall form part of the order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.01.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

Note: Issue Order Copy on 23.01.2023.

To

1.The District Collector,
Madurai District,
District Collectorate,
Madurai – 20.



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2.The Chief Engineer,
Public Works Department,
(Water Resources),
Benni Quick Building,
Chokkikulam,
Madurai – 2.

3.The Assistant Director of Fisheries,
Petchiamman Padithurai Road,
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G.R.SWAMINATHAN, J.

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11.01.2023