



W.P(MD)No.15049 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15049 of 2015
and
M.P.(MD)No.1 of 2015

John Allocious

... Petitioner

Vs.

1.The Assistant Director,
Department of Fisheries,
Nagarcoil,
Kanyakumari District.

2.The Joint Director (Region),
Department of Fisheries,
Thoothukudi,
Thoothukudi District.

3.The Special Officer,
Fisherman Co-Operative Society,
Thoothur, Vilavancode Circle,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to all for the impugned
order dated 27.04.2015 under Reference Na.Ka.No.4552/E1/2013 passed



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by the 1st Respondent and quash the same as illegal, erroneous and devoid of merits.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The first respondent had issued the impugned notice dated 27.04.2015 calling upon the petitioner to pay a sum of Rs.23,095/- within one week. Challenging the said notice, the present writ petition came to be filed.

3.I am of the view that no interference is warranted. The impugned communication can be taken as a mere demand. The notice itself reads that if the petitioner fails to comply with the demand, proceedings under Section 87 of the Tamil Nadu Co-operative Societies



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Act will be taken. I make it clear that if such proceedings are initiated, all the contentions of the petitioner are left open. The first respondent has to independently establish in the said surcharge proceedings that the petitioner is liable to pay the said amount.

4.This writ petition is disposed of with the aforesaid observation.

No costs. Consequently, connected miscellaneous petition is closed.

11.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Assistant Director,
Department of Fisheries,
Nagarcoil, Kanyakumari District.
- 2.The Joint Director (Region),
Department of Fisheries,
Thoothukudi, Thoothukudi District.
- 3.The Special Officer,
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G.R.SWAMINATHAN, J.

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