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W.P.(MD)NO.20893 OF 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.20893 of 2018 AND
W.M.P.(MD)No.18672 of 2018**

R.Viju

... Petitioner

Vs.

1. The Director of Fisheries,
Thenampet, Chennai – 6.
2. The District Collector,
Kanyakumari District,
at Nagercoil.
3. The Assistant Director of Fisheries,
Simon Colony,
Kodimunai Post,
Kanyakumari District.
4. The Sub Collector cum Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.
5. L.Raja @ Robert Bruce

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 prevent the 5th respondent from loading



and unloading fish wastes and fishes on the banks of the Thamiraparani River in the properties comprised in Survey No.213/6 and Re-survey No.213/7 in Painkulam Village, Kanyakumari District by considering the representation of the petitioner dated 16.04.2018.

For Petitioner : Mr.S.C.Herold Singh

For R-1 to R-4 : Mr.K.Balasubramani,
Special Government Pleader.

For R-5 : No appearance.

* * *

ORDER

Heard the learned counsel on either side.

2. The prayer in the writ petition is for forbearing the respondents from using the petition-mentioned site for dumping fish waste.

3. The third respondent has filed counter affidavit stating that originally such activities were going on in Thamirabarani river bank. After inauguration of Thengaipattanam fish harbour, such unloading activities are not permitted outside



the harbour. However, the respondents do not appear to be very sure of the ground reality. In the counter affidavit itself it is stated that in the event of any unauthorised handling of fish in the petition-mentioned area, the same can be dealt with appropriately.

4. The learned counsel for the petitioner submits that even recently a criminal case was registered on the file of Marine police station for such unauthorised dumping of fish waste.

5. We are satisfied that a case for issuance of mandamus has been made out. We direct the third respondent to ensure that in the petition-mentioned survey numbers, no loading or unloading of fish or dumping of fish waste is allowed. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
10th AUGUST 2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



WEB COPY



To:

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WEB COPY



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G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

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