



W.A(MD)No.247 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.247 of 2023
and
C.M.P(MD)No.3021 of 2023**

- 1.The Commissioner of Fisheries Welfare &
Fishermen Welfare Department,
Chennai – 600 035.
- 2.The Deputy Director,
Fisheries Welfare & Fishermen Welfare
Department(Regional), Madurai.
- 3.The Assistant Director,
Fisheries Welfare & Fishermen Welfare
Department, Dindigul.
- 4.The Inspector of Fisheries Welfare,
Oddanchathiram,
Dindigul.
- 5.The Executive Engineer,
The Public Works Department,
Dindigul.

... Appellants/Respondents 1 to 5

-vs-

P.Veerasamy

... Respondent/Petitioner



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PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order passed in W.P(MD)No.11411 of 2022, dated 11.10.2022.

For Appellants : Mr.P.Veera Kathiravan,
Additional Advocate General, assisted by
Mr.S.P.Maharajan,
Special Government Pleader

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Being aggrieved by the order of the Writ Court, dated 11.01.2022 made in W.P(MD)No.11411 of 2022, the State is on appeal.

2. This writ appeal is filed only with an intention to help the writ petitioner. All that the learned Single Judge done is to set aside the order passed, without giving an opportunity to the writ petitioner, and remit the matter back to the authorities to pass orders on merits after hearing the petitioner. Against such an order an appeal has been filed to enable the petitioner to take advantage of the observation of the writ Court that the petitioner can enjoy the fruits of the leased water body.

3. Though Mr.Veera Kathiravan, learned Additional Advocate General would contend that opportunities were given, the Writ Court has referred to production of documents during the course of hearing of the writ petition and non-furnishing of those documents to the petitioner. Such



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findings of the Writ Court are not challenged anywhere in the grounds of appeal. All that is claimed is that before the termination order was issued, there was an inspection report submitted by the Inspector of Fisheries dated 22.12.2021. It is not stated that the said report was furnished to the petitioner.

4. In view of the above, we are unable to fault the Writ Court for having allowed the writ petition remitting the matter back to the authorities for conducting fresh enquiry.

5. The Writ Appeal stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]

20.04.2023

NCC :Yes/No
Index :Yes/No
PM



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