



WEB COPY

W.P.No.7271 of 2021, 23489 & 23710 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos. 7271 of 2021, 23489 & 23710 of 2023
and

W.M.P.Nos. 7773 & 7774 of 2021, 15309 of 2022, 23005 & 23223
of 2023

W.P.No.7271 of 2021

J.Sivagnanam

.. Petitioner

vs

- 1.The State by its Secretary,
Government of Tamil Nadu
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai - 600 009.
- 2.Commissioner of Fisheries,
Government of Tamilnadu,
Department of Fisheries,
3rd Floor, Integrated office complex for
Animal Husbandry and Fisheries Building,
Nandanam, Chennai - 600 035.
- 3.Assistant Director of Fisheries(Aqua culture)
No.99, NGO Nagar, Thiruvottiyur High Road,
Ponneri - 601 204, Thiruvallur District.
- 4.The Member Secretary,
Coastal Aquaculture authority,
5th Floor, Integrated office complex for
Animal Husbandry and Fisheries Department,
Nandanam, Chennai - 600 035.
- 5.The District Collector,
Collectorate, Thiruvallur District.



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6.M/s.Central Institute of Brackish Water Aquaculture,
Rep. by its Director,
Indian Council of Agricultural Research,
Government of India,
No.75, Santhome High Road, MRC Nagar,
Chennai - 600 028.

7.The Deputy Director,
Marine Products Export Development Authority,
Ministry of Commerce & Industry,
Government of India,
No.1, Cooks Road, Nagapattinam,
Mayiladuthurai Taluk.

8.Union of India by its Secretary,
Ministry of Agriculture,
Department of Animal Husbandry, Dairying
& Fisheries, Krishi Bhavan,
New Delhi - 110 001.

.. Respondents

W.P.No.23489 of 2023

Latha

.. Petitioner

VS

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Assistant Director,
Fisheries and Fishermen Welfare Department,
Parangipettai,
Cuddalore.

3.B.Rajkumar

.. Respondents

W.P.No.23710 of 2023

S.Rvichandran

.. Petitioner

VS

1.The State by its Secretary,
Government of Tamilnadu,



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Animal Husbandry, Dairying and Fisheries
Department, Secretariat,
Chennai - 600 009.

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2. Director of Fisheries,
Government of Tamilnadu,
Department of Fisheries,
3rd Floor, Integrated office complex for
Animal Husbandry and Fisheries Building,
Nandanam, Chennai - 600 035.
 3. Assistant Director of Fisheries (Aqua culture),
Portonova, Parangipetti,
Cuddalore District - 608 502.
 4. The Member Secretary,
Coastal Aquaculture authority,
5th Floor, Integrated Office Complex for
Animal Husbandry and Fisheries Department,
Nandanam, Chennai - 600 035.
 5. The District Collector,
Collectorate, Cuddalore District.
 6. Union of India by its Secretary,
Ministry of Agriculture,
Department of Animal Husbandry, Dairying
& Fisheries, Krishi Bhavan,
New Delhi - 110 001.
- .. Respondents

Prayer in W.P.No.7271 of 2021 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of 3rd respondent in connection with the 3rd respondent's order in Na.Ka.No.704/அ3/2020 dated 16.10.2020 and to quash the same consequently direct the respondents to frame guidelines and rules pertaining to the Fresh Water Prawn Farming.

Prayer in W.P.No.23489 of 2023 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of 2nd respondent in connection with the 2nd



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respondent's notice in Na.Ka.No.1021/E/2021-1 dated 22.07.2023 and to quash the same.

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Prayer in W.P.No.23710 of 2023 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the 3rd respondent in connection with the 3rd respondent's notification in Na.Ka.No.3258/9/2022-1 dated 03.07.2023 and to quash the same, consequently direct the respondents to frame guidelines and rules pertaining to the Fresh Water Prawn Farming.

For Petitioner : Mr.R.Sreenivas,
Senior Counsel

for Mr.G.Vijayakumar
(in W.P.Nos.7271/21 & 23710/23)

for Ms.Mythili Srinivas
(in W.P.No.23489/23)

For Respondents : Mr.G.Nanmaran,
Special Government Pleader
for R1 to R5
(in WP No.7271/21)
(in W.P.No.23710/23)

No appearance for R6 to R8
(in WP No.7271/21)

Mr.G.Nanmaran
Special Government Pleader
for R1, R2

No appearance for R3
(in W.P.No.23489/23)

Ms.Girija
for Mr.S.N.Parthasarathi
for R6
(in W.P.No.23710/23)



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COMMON ORDER

The petitioner in W.P.No.7271 of 2021 claims to be engaged in the business of Fresh water Prawn farming ('Farm', in short) at Thiruvallur District, Ponneri Taluk, Kattur Village. He was in receipt of notice dated 16.10.2020 calling upon him to show-cause why action not be taken for running of the farm, in violation or the Rules then prevalent. The petitioner, admittedly, has not responded to the notices.

2. While so, an order had come to be passed on 17.10.2020 confirming the proposal contained in the show-cause notice, that is the subject matter of challenge in this writ petition.

3. On 19.03.2021, when the matter had come up for admission, the petitioner had put forth the plea that the Coastal Aquaculture Authority Act, 2005 ('Act') was not applicable to him. 'Coastal aquaculture' is defined under Section 2(1)(c) of the Act as follows:-

'culturing under controlled conditions in ponds, pens, enclosures or otherwise, in coastal areas, of shrimp, prawn, fish or any other aquatic life in saline or brackish water; but does not include fresh water aquaculture.'

4. Rules have been framed to regulate brackish water prawn farming that excluded fresh water aquaculture from the



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rigour of the Act and the application of the Rules. Thus, interim stay came to be granted on the date of admission i.e., 19.03.2021, until further orders.

5. When the matter had come up on 18.10.2023, after a long hiatus, it was noticed that Guidelines had been framed as early as on 21.12.2011 by the Government of India (GOI) relating to fresh water prawn farming. The States / Union Territories had been required to either follow the Guidelines issued by the GOI or frame such Rules independently. The learned counsel for the respondents had sought some time to complete the process of formulation of the Rules and the matter had been adjourned for that process.

6. Today, G.O.(Ms).No.5 dated 29.01.2024 issued by the Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FS4-1) Department is placed before the Court, which regulates the activity of fresh water prawn farming. With this, the petitioners can no longer be heard to say that the activity of fresh water prawn farming is unregulated.

7. Petitioners will make an application before the concerned District Level Committee as provided for under G.O. (Ms) No.5 dated 29.01.2024 within two weeks from today and the authorities are directed to strictly follow the procedures set out under G.O, scrutinize the application and take a considered view as



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to whether the petitioner's application for continuance of the activity of fresh water prawn farming is liable to be accepted.

8. It is made clear that if the petitioners do not make application within the time frame as aforesaid, the appropriate authority / official respondents are at liberty to proceed further and take necessary action to curtail the unregulated activity in a manner known to law.

9. Seeing as the petitioners have been enjoying interim protection from 2021 thus far, the same is extended for a period of 60 days from today, within which time the above exercise will be been completed.

10. These writ petitions stand disposed in terms of this order. No costs. Connected miscellaneous petitions are closed.

11. List under the caption 'for compliance' on 25.04.2024.

19.02.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The Secretary,
Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai - 600 009.

2.The Director of Fisheries,
Government of Tamilnadu,
Department of Fisheries,
3rd Floor, Integrated office complex for



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Animal Husbandry and Fisheries Building,
Nandanam, Chennai - 600 035.

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- 3.The Assistant Director of Fisheries (Aqua culture),
Portonova, Parangipetti,
Cuddalore District - 608 502.
- 4.The Member Secretary,
Coastal Aquaculture authority,
5th Floor, Integrated Office Complex for
Animal Husbandry and Fisheries Department,
Nandanam, Chennai - 600 035.
- 5.The District Collector,
Collectorate, Cuddalore District.
- 6.The Secretary,
Ministry of Agriculture,
Department of Animal Husbandry, Dairying
& Fisheries, Krishi Bhavan,
New Delhi - 110 001.
- 7.The Director,
M/s.Central Institute of Brackish Water Aquaculture,
Indian Council of Agricultural Research,
Government of India,
No.75, Santhome High Road, MRC Nagar,
Chennai - 600 028.
- 8.The Deputy Director,
Marine Products Export Development Authority,
Ministry of Commerce & Industry,
Government of India,
No.1, Cooks Road, Nagapattinam,
Mayiladuthurai Taluk.
- 9.The Assistant Director,
Fisheries and Fishermen Welfare Department,
Parangipettai,
Cuddalore.



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DR. ANITA SUMANTH,J.

ssm

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