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W.P.Nos.12698 & 11194 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos. 12698 and 11194 of 2020

and

W.M.P.Nos.13650, 15632 & 15687 of 2020

W.P.No.12698 of 2023

Srinivasapuram Meenava Magalir Kootoravu Sangam,
(Srinivasapuram Women Fisheries Co-operative Society),
Represented by its President D.Amudha,
Foreshore Estate,
Chennai – 600 028.

... Petitioner

Vs.

1.The Secretary to Government,
Animal Husbandry Diaries and
Fisheries Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2.The Director of Fisheries,
Nandanam,
Chennai – 600 035.

3.The Joint Director of Fisheries,
DMS Complex,
Chennai – 600 006.



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4.The Commissioner of Police,
Vepery,
Chennai – 600 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 2 to 4 from converting the Srinivasapuram Fish Market Building, Srinivasapuram, Foreshore Estate, Chennai – 600 028 comprised in survey no.4593/34, Mylapore Village, as police station or any other purpose and to further direct the respondents 2 and 3 herein to permit the members of the petitioner's Sangam to sell the fish market building at Srinivasapuram, Foreshore Estate, Chennai – 600 028.

W.P.No.11194 of 2020

Kadalora Makkal Pathukappu Iyakkam,
(Coastal Community Protection Movement)
Represented by its President,
119, Vembadiamman Kovil Street,
Thiruvanmiyur,
Chennai – 600 041

.... Petitioner

Vs.

1.The Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2.The Director of Fisheries,
Nandanam,
Chennai – 600 035.



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3.The Assistant Director of Fisheries,
Royapuram,
Chennai – 600 013.

4.The District Collector,
Chennai District,
Rajaji Salai,
Chennai – 600 001.

5.The Commissioner of Police,
Vepery,
Chennai – 600 007.

6.The Commissioner,
Corporation of Chennai,
Rippion Buildings,
Chennai – 600 003.

7.Pennurimai Iyakkam
(Regd.No.173 of 1979)
Represented by its State Secretary, No.39,
Dr.Alagappa Road,
Purasawalkkam,
Chennai – 600 084.

8.Mullikuppam Meenavargal Panchayathu Sabai,
Srinivasapuram, Pattinappakkam,
Chennai – 600 028.

(R7, R8 impleaded *vide* order dated 21.09.2020
made in W.M.P.No.16509 of 2020 in W.P.No.
11194 of 2020 by KRCBJ)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 3rd respondent in Na.Ka.No.283/U/2020 dated



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22.07.2020 and quash the same and forbearing the respondents from converting the Srinivasapuram Fish Market Building, Srinivasapuram, Foreshore Estate, Chennai – 600 028 comprised in Survey No.4593/34, Mylapore Village, measuring 2,058 sq.ft., as police station and to further direct the respondents 2 and 3 to permit the members of the petitioner to sell the fish market building at Srinivasapuram, Foreshore Estate, Chennai – 600 028.

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For Petitioner	: Mr.R.Kamraj
For R1 to R4	: Mr.P.Kumaresan Additional Advocate General assisted by Mr.G.Ameedius Government Advocate

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For Petitioner	: Mr.R.Kamraj
For R1 to R6	: Mr.P.Kumaresan Additional Advocate General assisted by Mr.G.Ameedius Government Advocate
For R7 and R8	: Mr.U.Mahogar



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COMMON ORDER

These Writ Petitions are filed challenging the proceedings issued by the 3rd respondent in Na.Ka.No.283/U/2020 dated 22.07.2020 and to forbear the respondents 2 to 4 from converting the Srinivasapuram Fish Market Building situated at Srinivasapuram, Foreshore Estate, Chennai – 600 028, comprised in Survey No.4593/34, Mylapore Village, as police station and to further direct the respondents 2 and 3 herein to permit the members of the petitioners association to sell the fish market building situated at Srinivasapuram, Foreshore Estate, Chennai – 600 028.

2. The writ petitioners are associations registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 for the welfare of the fisher woman community. The grievances of the petitioners are that a portion of the land measuring to an extent of 2058 square feet in RS No.4593 of 94 of Mylapore Village was allotted by the Government to construct the fish market in G.O.(Ms).No.196, Animal Husbandry, Dairying and Fisheries (PS1) Department dated 14.12.2007. Though the fish market was constructed, it was not allotted to the members of the Society. Thus, the petitioners are constrained to move the present writ petition.



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3. The learned Additional Advocate General appearing on behalf of the State made a submission that even after construction of fish market in the specified land, no member of the petitioners association came forward to occupy and pay the rent. The small building constructed in 2058 square feet remained vacant for many years and subsequently, the entire area measuring to an extent of 2058 square feet was allotted to Chennai River Restoration Trust (CRRT) who in turn, has taken possession of the land and developed eco-parks to maintain environment.

3.1. Further, he would submit that the Government constructed a fish market in larger extent of land in Loop Road, Santhome in a land measuring about 2 acres. In this regard, the Urban Habitat Development Board erstwhile Slum Clearance Board addressed a letter to the Commissioner of Chennai Corporation. The fish market to a larger extent is under construction in the land measuring about 2 acres in the Loop Road, Santhome and the eligible persons will be considered for occupation. The members of the petitioners association are also at liberty to submit their application if they are otherwise eligible to get allotment in the fish market under construction.



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3.2 Further, he made a submission that the police station has not been constructed in the subject property as stated by the petitioners and some other land has already been allotted adjacent to the light house for the purpose of construction of the police station.

4. Therefore, in view of the fact that the respondents have already commenced construction of the fish market in larger extent of land measuring 2 acres in Loop Road, Santhome, the members of the petitioners association are at liberty to submit their respective applications for the purpose of allotment and subject to their eligibility.

With these observations, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed

08.01.2024

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Internet : Yes
Index : Yes / No
Speaking order / Non-Speaking Order
Neutral Citation : Yes / No



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To

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Animal Husbandry Diaries and
Fisheries Department,
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Fort St. George,
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S.M.SUBRAMANIAM, J.

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