



W.P.No.9025 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

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THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.9025 of 2024

and

WMP.No.10040 of 2024

1. M.Sankar

2. S.Selvam

...Petitioners

Vs.

1. The Sub Collector cum Sub-Divisional Magistrate,
Ponneri – 601 204, Thiruvallur District.

2. The Assistant Director of Fisheries,
Ponneri – 601 204, Thiruvallur District.

3. The Tahsildar,
Ponneri – 601 204, Thiruvallur District,
Ponneri Taluk Office.

4. M.Thavamani

5. R.Raja

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent, in his proceeding in Na.Ka.3903/2022/A1, dated 14.03.2024



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issued in respect of fishing activities of fishermen belong to Andikuppam Village, Pulicut, Ponneri Taluk for a period 2024-2025 and quash the same as arbitrary, unjustifiable and illegal and consequently direct the 1st respondent to consider the number of members of the groups headed by the petitioners and the respondents 4 & 5 and allot or grant numbers of days for fishing rights according to their strength.

For Petitioners : Mr.R.Munuswamy

For Respondents : Mr.LSM.Hasan Fizal, AGP, for R1 to R3
: Mrs.Hemalatha, for R4 & R5

ORDER

This Writ petition has been filed seeking quashment of the proceedings of the 1st respondent in Na.Ka.3903/2022/A1 dated 14.03.2024 and to consequently direct the 1st respondent to consider the number of members in the groups headed by the petitioners and the respondents 4 & 5 and allot or grant numbers of days for fishing rights accordingly.

2. The case of the petitioners is that, the petitioners are permanent residents of Andikuppam Village, Ponneri Taluk, Thiruvallur District and they belong to fishermen community and fishing is the primary occupation



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in their locality and there are about 176 fishermen families in the said village. According to the petitioners, originally there was only one Society functioning in the name of Andikuppam Fishermen Co-operative Society Limited and thereafter, due to some difference of opinion, a rival society was formed in the name of Shree Ellaiamman Andikuppam Fishermen Co-operative Society. The Andikuppam Fishermen Co-operative Society has 120 members and there are two groups in the said society, one is headed by the 5th respondent, where there are 40 Paadu members and they are enjoying 4 Paadu and other group is headed by the 2nd petitioner and there are 48 Paadu members and they are enjoying 5 Paadu. Similarly, the said Shree Ellaiamman Andikuppam Fishermen Co-operative Society is having 110 members and there are two groups, in which, one is headed by the 1st petitioner, where there are 62 Paadu members and they are enjoying 62 Paadu and the other group is headed by the 4th respondent herein, where there are 26 Paadu members and they are enjoying 26 Paadu. The above said arrangement is purely on the basis of customary practice and they jointly carried out the fishing activities for a long period of time. While so, during November 2021, due to the influence made by the 4th respondent on one Parthiban, who is the tourist boating operator, there arose some dispute with



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regard to changing of groups and they also made complaints before the official respondents, pursuant to which, the 1st respondent, after conducting enquiry passed an order dated 14.12.2021 directing the groups headed by the petitioners to jointly carry on fishing activities and the groups headed by the 4th and 5th respondents were permitted to carry on fishing activities jointly. However, as there were some dispute with regard to time schedule, the 1st respondent once again conducted enquiry and passed an order on 06.04.2022. Aggrieved by the same, the 4th and 5th respondents have once again made several representations before the official respondents, pursuant to which, the 1st respondent, vide order dated 15.03.2023 allowed for changing of groups and permitted the groups headed by the petitioners herein to carry on fishing activities jointly and similarly permitted the groups headed by the 4th and 5th respondents to carry on fishing activities jointly. Since the total number of members in the petitioners' groups are 110, whereas there are only 66 members in the 4th and 5th respondents' groups, the petitioners' groups were given one day extra in every month. Aggrieved by the same, the 4th and 5th respondents filed W.P.No.9197 of 2023 and this Court, vide order dated 29.03.2023 granted interim stay, restraining either group from fishing on extra dates as mentioned in the order of the 1st



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respondent dated 15.03.2023. While so, after the earlier fishing period came to an end on 14.03.2024, the 1st respondent, without conducting any enquiry issued the impugned order on 14.03.2024, following the earlier order dated 15.03.2023, where the schedule for fishing activities of the fishermen of Andikuppam Village for the subsequent period, from 15.03.2024 till 14.03.2025 has been fixed, in which, the 1st respondent had consciously omitted to mention the extra one day in every month allotted for the petitioners' groups based on the number of members and had equally allotted 112 days to both the groups, without taking into note the fact that there are more number of members in the groups headed by the petitioners, solely based on the interim order of this Court dated 29.03.2023, which is only in respect of the earlier order of the 1st respondent dated 15.03.2023 which relates to the period from 15.03.2023 till 14.03.2024. Aggrieved by the same, the petitioners have come forward with the present Writ petition.

3. Heard learned counsel on either side and perused the material documents placed on record.

4. Though very many contentions have been advanced by the learned



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counsel on either side, at the time of arguments, the learned counsel for the petitioners restricted the prayer and sought permission of this Court to permit the petitioners as well as the 4th and 5th respondents to make appropriate representation to the 1st respondent before the expiry of the present rotation period fixed in the impugned order and upon receipt of such representations, the 1st respondent shall consider the same and pass appropriate orders based on the quantity of the members available in the respective groups. Learned counsel for the 4th and 5th respondents has no serious objection for the limited request made by the learned counsel for the petitioners, provided that, the present impugned order continues till 14.03.2025 and that the 4th and 5th respondents are given sufficient opportunity of hearing, before passing order.

5. In view of the fair submission made by the learned counsel on either side, this Court is not inclined to interfere with the impugned order dated 14.03.2024 and the same shall continue till 14.03.2025. In the mean time, both the petitioners and the 4th and 5th respondents are directed to make appropriate representation before the 1st respondent and upon receipt of such representations, the 1st respondent shall consider the same and pass



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appropriate orders fixing rotation period, by taking into consideration the number of members in the respective groups, on or before 13.03.2025, after affording opportunity of hearing to the petitioners, the private respondents herein and other aggrieved persons, if any.

6. With the above observations and directions, this Writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

23.10.2024

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

1. The Sub Collector cum Sub-Divisional Magistrate,
Ponneri – 601 204, Thiruvallur District.
2. The Assistant Director of Fisheries,
Ponneri – 601 204, Thiruvallur District.
3. The Tahsildar,
Ponneri – 601 204, Thiruvallur District,

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Ponneri Taluk Office.

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M.DHANDAPANI, J.

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