



W.P.No.11839 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11839 of 2021
and W.M.P.Nos.12589 & 12590 of 2021

K.Villavan Kothai

... Petitioner

Vs.

1. The State by its Secretary,
Government of Tamilnadu,
Animal 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
Animal Husbandry and Fisheries Building,
Nandanam, Chennai – 600 035.
3. The Assistant Director of Fisheries (Aqua Culture)
Parangipettai, Cuddalore District.
4. The Member Secretary,
Coastal Aquaculture Authority,
5th Floor, Integrated office complex for
Animal Husbandry and Fisheries Building,
Nandanam, Chennai – 600 035.
5. The District Collector,
Collectorate, Cuddalore District.



W.P.No.11839 of 2021

6. M/s. Central Institute of Brackish
Water Acuaculture,
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.

9. The Assistant Executive Engineer,
TANGEDCO
Annamalai Nagar,
Chidambaram.

10. Thillai Govindan,
Vasapudur Village,
Chidambaram Taluk,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in connection with the third respondent's order in ந.க.எண்.2286/இ/2020 நாள் 07.04.2021 and to quash the same consequently directing the respondents to frame Guidelines and



W.P.No.11839 of 2021

Rules pertaining to the fresh water prawn farming.

WEB COPY

For Petitioner : Mr.G.Vijayakumar
For Respondents
For R1 to R5 : Mr.E.Vijay Anand
Additional Government Pleader
For R6 : Mr.S.Yashwath
For R7 & R8 : Mr.A.Anuradha
Additional Central Government
Standing Counsel
For R9 : Mr.V.Venkata Seshaiya
For R10 : Mr.S.Sathish Rajan

ORDER

This writ petition has been filed challenging the order dated 07.04.2021 passed by the third respondent, thereby prohibiting the petitioner from farming of fresh water prawn culture.

2. Heard the learned counsel appearing on either side and perused the material placed before this Court.

3. Similar issue involved in this writ petition has already been dealt with by this Court in W.P.No.7271 of 2021, order dated 19.02.2024 and the relevant paragraphs are extracted here under:-



W.P.No.11839 of 2021

WEB COPY

“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 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



W.P.No.11839 of 2021

WEB COPY

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.”

4. In view of the above order passed by this Court, the petitioner is directed to make an application before the concerned District Level Committee as provided for under G.O. (Ms) No.5 dated 29.01.2024, within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the authorities are directed to strictly follow the procedures set out under G.O, scrutinize the application and pass appropriate orders within a period of two weeks thereafter.

5. With the above directions, the writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

6. List the matter for reporting compliance on 30.07.2024

25.06.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
Note :- Issue order copy on



W.P.No.11839 of 2021

or before 28.06.2024

rts

WEB COPY

To

1. The Secretary,
Government of Tamilnadu,
Animal 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
Animal Husbandry and Fisheries Building,
Nandanam, Chennai – 600 035.
3. The Assistant Director of Fisheries (Aqua Culture)
Parangipettai, Cuddalore District.
4. The Member Secretary,
Coastal Aquaculture Authority,
5th Floor, Integrated office complex for
Animal Husbandry and Fisheries Building,
Nandanam, Chennai – 600 035.
5. The District Collector,
Collectorate, Cuddalore District.
6. 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.



W.P.No.11839 of 2021

WEB COPY

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

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

9. The Assistant Executive Engineer,
TANGEDCO
Annamalai Nagar,
Chidambaram.



WEB COPY



W.P.No.11839 of 2021

G.K.ILANTHIRAIYAN. J.

rts

W.P.No.11839 of 2021 and
W.M.P.Nos.12589 & 12590 of 2021

25.06.2024