



W.P(MD)No.9574 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9574 of 2024

Menolin

... Petitioner

Vs.

- 1.The Director,
Tamil Nadu Fisheries and Fishermen Welfare Department,
Chennai.
- 2.The District Collector,
Kanniyakumari,
Kanniyakumari District.
- 3.The Deputy Director,
Tamil Nadu Fisheries and Fishermen Welfare Department,
Chinnamuttom, Kanniyakumari District.
- 4.The Assistant Director,
Tamil Nadu Fisheries and Fishermen Welfare Department,
Chinnamuttom,Kanniyakumari District.

5.Brucelin

... Respondents

*(R5 is suo motu impleaded vide order dated
03.07.2024 in W.P.(MD)No.9574 of 2024 of 2024
by GRSJ).*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to cancel the ownership receipt issued from 20.12.2018 which was fraudulently created and obtained by namely Brucelin, S/o.Francis residing at 9/69, Alangara



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Madha Street, Kanniyakumari, Kanniyakumari District in respect of boat No.39
and to issue ownership receipts in petitioner's favour.

For Petitioner : Mr.KA.Raamakrishnan

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 to R4.

ORDER

Heard the learned counsel on either side.

2.Menolin and Brucelin are siblings. The petition mentioned boat admittedly belonged to Menontha Prabhu. Menolin states that her husband Starwin paid the sale consideration to Prabhu and purchased the petition mentioned boat. Since Menolin had to be abroad, she had asked her brother Brucelin to take care of the boat. She alleges that Brucelin prepared document as if he is the boat owner. Therefore, she has filed this writ petition for directing the officials to cancel ownership receipt.

3.Since Brucelin denied the said allegation, I directed the jurisdictional police to cause production of Menonthas Prabhu. Menonthas Prabhu appeared before this Court today ie., 04.07.2024 and he categorically told me in the open Court that he had sold the petition mentioned boat only to Menolin and that he



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received the sale consideration from her husband. He also stated that he did not sell the boat to Brucelin. Brucelin has also not produced any material to show that he had transferred funds from his account to the account of Meenonthas Prabhu. In these circumstances, the writ petition has to be allowed. The respondents 3 and 4 are directed to cancel the ownership receipt issued in favour of fifth respondent / Brucelin in respect of the petition mentioned boat. The writ petition is allowed. No costs.

04.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Director,
Tamil Nadu Fisheries and Fishermen Welfare Department,
Chennai.
- 2.The District Collector,
Kanniyakumari,
Kanniyakumari District.
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Tamil Nadu Fisheries and Fishermen Welfare Department,
Chinnamuttom, Kanniyakumari District.



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G.R.SWAMINATHAN, J.

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04.07.2024