



WP(MD). No.11259 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 22/05/2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP(MD). No.11259 of 2024

and

WMP(MD). No.10013 of 2024

**Mechanized Boat Owners and
Fishermen Welfare Association,
(Registration No.89/2015)
Kottaipattinam Post,
Manamelkudi Taluk,
Puddukkottai District,
Represented by its President,
Asan Mohaideen**

... Petitioner

Vs

- 1. The Director,
Directorate of Fisheries,
Nandhanam,
Chennai 600 035.**
- 2. The Commissioner of Fisheries,
Office of the Directorate of Fisheries,
Nandhanam,
Chennai 600 035.**



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3. The Joint Director of Fisheries (Zonal),
Nagapattinam,
Nagapattinam District.

4. The Deputy Director of Fisheries,
Trichy.

5. The Assistant Director of Fisheries,
Pudukkottai District,
Pudukkottai.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to implement the Ban orders of Government of India and Government of Tamil Nadu relating to ban of fishing in the East Coast from 15th April 2024 to 14th June 2024 in Pudukkottai District.

For Petitioner : M/s.P.Jamal Mohamed

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

(Order of the Court was made by R.N.MANJULA, J)

Heard Mr.P.Jamal Mohamed, learned counsel for the petitioner and Mr.A.Baskaran, learned Additional Government Pleader, for the respondents.



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2.This writ petition has been filed for a direction to the respondents to implement the Ban orders of Government of India and Government of Tamil Nadu relating to ban of fishing in the East Coast from 15th April 2024 to 14th June 2024 in Pudukkottai District.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner herein had given a representation to the respondents on 22.04.2024 seeking to implement the Ban orders of Government of India and Government of Tamil Nadu relating to ban of fishing in the East Coast from 15th April 2024 to 14th June 2024 in Pudukkottai District. Since the said representation was not considered by the respondents so far, the present writ petition has been filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass



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appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 22.04.2024, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of one week from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the



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respondents to consider the same on its own merits.

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7. With the above direction, this writ petition is **disposed of**. No costs. Consequently connected Miscellaneous Petition is closed.

(R.N.M, J.) (C.K.,J.)
22.05.2024

NCC : Yes/No
Index : Yes/No

Note:Issue order copy on 22.05.2024

RR



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