



W.P(MD)No.12523 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 08.04.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.12523 of 2021

and

W.M.P.(MD)Nos.9804 and 9805 of 2021

M/s.Bismi Aquatic Products
rep.by its Managing Partner,
S.Shahul Hameed

: Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Thiruvadanai Taluk Office,
Thiruvadanai,
Ramanathapuram District.

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A3/6026/2019, dated 28.02.2020 passed by the second respondent and quash the same as illegal in respect of the resolution No.3 alone, consequently, directing the



W.P(MD)No.12523 of 2021

respondents 1 and 2 to grant permission to run the petitioner's factory M/s.Bismi Aquatic Products situated at Survey No.50/1, 50/2, Machur Village, Thondi, Thiruvadanai Taluk, Ramanathapuram District for whole day for the fishing seasons and permit to access the village road for caring fishes by considering the petitioner's representation, dated 17.07.2021.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

The Writ Petition is directed against the communication dated 28.02.2020 sent by the second respondent to the Registrar of Madurai Bench of Madras High Court.

2. It is evident that the impugned communication was sent by the second respondent to the Registrar of this Court, informing the resolution passed in the Peace Committee Meeting held on 12.12.2019 in pursuance of the directions issued by this Court in W.P.(MD)No.24481 of 2019, dated 28.11.2019.



W.P.(MD)No.12523 of 2021

WEB COPY

3. The learned counsel for the petitioner would submit that since the direction was issued by this Court in W.P.(MD)No.24481 of 2019, the impugned communication came to be sent to this Court.

4. The learned Special Government Pleader appearing for the State would submit that subsequent to the resolution passed on 12.12.2019, the District Collector has rejected the proposal for allowing to Form 20 feet pathway in the poramboke lands for the petitioner company vide proceedings dated 13.09.2023 and the petitioner instead of challenging the said proceedings, has challenged the communication sent to this Court.

5. The learned counsel for the petitioner would submit that he has already filed a writ petition in W.P.(MD)No.31072 of 2023, challenging the resolution passed on 12.12.2019 and the same is pending.

6. Considering the above, this Court is of the view that the Writ Petition challenging the communication sent to this Court cannot be entertained and hence, the writ petition is liable to be dismissed.



W.P(MD)No.12523 of 2021

WEB COPY

7. In the result, the Writ Petition is dismissed. The petitioner is at liberty to canvass the issues now raised, in the writ petition in W.P. (MD)No.31072 of 2023, which is now pending. No costs. Consequently, connected Miscellaneous Petitions are closed.

08.04.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

- 1.The District Collector,
O/o.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The Tahsildar,
Thiruvadanai Taluk Office,
Thiruvadanai,
Ramanathapuram District.



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W.P(MD)No.12523 of 2021

K.MURALI SHANKAR,J.

DAS

Order made in
W.P.(MD)No.12523 of 2021
and
W.M.P.(MD)Nos.9804 and 9805 of 2021

Dated : 08.04.2024