



W.P(MD)No.13598 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13598 of 2024

and

W.M.P.(MD)Nos.11979, 11981 and 11983 of 2024

Brucelin

... Petitioner

Vs.

1.Assistant Director of Fisheries and
Fishermen Welfare Department,
Department of Fisheries and Fishermen Welfare,
Kanniyakumari District.

2.The Superintendent of Police,
Kanniyakumari District,
At Nagercoil.

3.The Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari District.

4.S.Menolin

... 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 relating to the impugned order passed by the 1st respondent in Na.Ka.No.CMFHMS-5/2023 dated 7.3.2024 and quash the same as illegal and consequently forbear the respondent Nos.1 to 4 from interfering with the operation of the petitioner's boat bearing number 39.



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For Petitioner : Mr.Hishaam

For Respondents : Mr.D.Sasi Kumar,
Addl. Government Pleader for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2 & R3.
Mr.KA.Raamakrishnan for R4.

ORDER

The fourth respondent herein had filed W.P.(MD)No.9574 of 2024. The writ petition was allowed by me in the following terms:-

“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



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he had sold the petition mentioned boat only to Menolin and that he 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.”

2.Since I have held that Brucelin is not the owner of the petition mentioned boat, he lacks the *locus standi* to question the impugned communication issued by the first respondent. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Assistant Director of Fisheries and
Fishermen Welfare Department,
Department of Fisheries and Fishermen Welfare,
Kanniyakumari District.
- 2.The Superintendent of Police,
Kanniyakumari District,
At Nagercoil.
- 3.The Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari District.

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