



W.P(MD)No.24898 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24898 of 2024

and

W.M.P.(MD)Nos.21190 and 21192 of 2024

Santhiyagu Leon

... Petitioner

Vs.

1.The Authorized Officer/Assistant Director,
Department of Fisheries and Fishermen Welfare,
Rameswaram, Ramanathapuram District.

2.The Inspector,
Department of Fisheries and Fishermen Welfare,
Rameswaram, Ramanathapuram District.

3.The Inspector of Police,
Marine Enforcement Wing,
Rameswaram,
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 of the impugned order passed by the 1st Respondent in Na.Ka.No. 3127/ U/2024 dated 26.09.2024 and the consequential impugned order passed by the 1st Respondent in Na.Ka.No.3024 / U/ 2015 dated 27.09.2024 and quash the same as illegal and consequently direct the 1st Respondent to register the alternation with regard to the engine in the registry of the fishing boat and issue a fresh certificate of registry to the petitioner.



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For Petitioner : Mr.M.Kannan
For R1 : Mr.A.Kannan
Additional Government Pleader
For R2 & R3 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)

ORDER

Challenge has been made to the order impounding the petitioner's boat on the ground that the petitioner has fixed the engine without any permission.

2.Mr.A.Kannan, learned Additional Government Pleader, takes notice for the first respondent and Mr.M.Vaikkam Karunanithi, learned Government Advocate (Crl.side) for the second and third respondents. By consent of both parties, this writ petition is taken up for final disposal.

3.It is the grievance of the petitioner that the petitioner has made a representation before the first respondent requesting alteration of engine and to issue fresh certificate of registration. However, the first respondent without considering the said application and without granting any opportunity of hearing, has passed the order impounding the petitioner's boat. Hence, the petitioner has filed this writ petition.



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4.Perusal of the impugned order shows that the order has been passed merely citing law and order issue. If really the petitioner fixed any engine against the Rules and norms, when the petitioner has presented an application for alteration of such engine, an opportunity of hearing ought to have been given by the authorities for the petitioner to set right the same. Instead the first respondent has straight away passed the order impounding the boat.

5.Hence, on the ground of violation of principles of natural justice, the order impugned in this writ petition dated 26.09.2024 is set aside and the matter is remanded back to the first respondent for fresh consideration. The first respondent shall consider the issue afresh and pass orders on the same after affording an opportunity of hearing to the petitioner. In the meanwhile, the application submitted by the petitioner for alteration of engine shall be considered and necessary orders shall be passed as expeditiously as possible.

6.With the above observations, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

21.10.2024

Index : Yes / No
Internet : Yes / No
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To

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N.SATHISH KUMAR, J.

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