



W.A.No.2704 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

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THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Appeal No.2704 of 2024

and

Writ Miscellaneous Petition No.19779 of 2024

1.P.Santhanaraj @ Balayya

2.Victor Masila

... Appellants

Vs.

1.K.Sagayaraj

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

4.The Sub-Collector/RDO,
Ponneri Division,
Ponneri.

5.The Tahsildar,
Ponneri Taluk,
Ponneri.

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent Act,

against the order dated 21.06.2024 in W.P.No.30028 of 2023.

For Appellants : Mr.R.Sankaranarayanan
For R1 : Ms.J.Archana
For RR2 to 5 : Mr.Vadivelu Deenadayalan,
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

The present intra court appeal on hand has been instituted to assail the order dated 21.06.2024 in W.P.No.30028 of 2023.

2. The respondents No.5 and 6 in the writ petition are the appellants before this Court. The first respondent Mr.K.Sagayaraj, instituted a writ proceedings challenging the Peace Committee call letter issued by the Tahsildar, Ponneri on 22.09.2023, intimating the parties to participate in the Peace Committee headed by the District Collector.

3. The said call letter dated 22.09.2023 would not provide a cause for institution of writ petition. The said call letter has not caused any prejudice

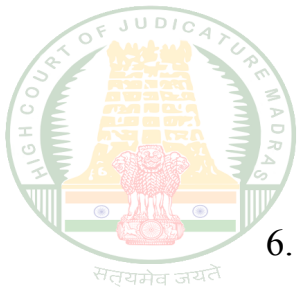


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to the first respondent/writ petitioner and thus the writ petition against the peace committee call letter is not entertainable. Only such call letters if issued by an incompetent authority having no jurisdiction or if they are tainted with malafide allegations, then, the writ petition may be entertained, but not otherwise.

4. The dispute is relating to fishing rights in Pulicat lake. Pulicat lake is a vast area and several villagers are exercising their fishing rights in Pulicat lake. On account of the fact that several villagers in their respective area of Pulicat are exercising fishing rights dispute arises frequently amongst the villagers. Therefore Peace Committee meetings are conducted by the District Collector in order to resolve the issues.

5. Fishing rights cannot be claimed as an absolute right. It is to be regulated by the competent authorities. The District Collector is competent to regulate the fishing rights in Pulicat lake. Therefore, convening a peace committee cannot be said to be improper. The Villages in and around Pulicat lake are ecologically sensitive and therefore, the District Collector is duty bound to protect the environment and other issues relating to the Village.



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6. Section 3(d) (c) of the Tamil Nadu Marine Fishing Regulation Act,

1983 defines “Fishing” means the pursuit of capturing or catching fish. The Government is empowered to notify “No Fishing Zone” under Section 3(g) (c) of the Tamil Nadu Marine Fishing Regulation Act, 1983. The nature of vessel to be permitted are also to be decided by the Government under the provisions of the Act. At the outset, fishing in such sensitive water bodies are to be regulated by the Government to protect environment and to ensure that equal opportunities provided to all the villagers.

7. Section 21 of the Tamil Nadu Marine Fishing Regulation Act, 1983

as reads under:

“21.Powers of adjudicating officer and the appellate authority in relation to holding enquiry under this Act._ (1) The adjudicating officer and the appellate authority shall, while holding an enquiry, have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) while trying a suit, in respect of the following matters, namely:_

(a)summoning and enforcing the attendance of witnesses;

(b)requiring the discovery and production of any document;



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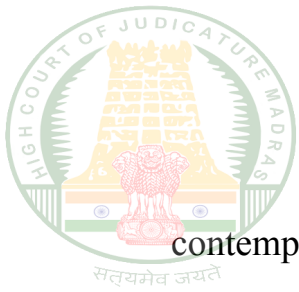
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*(c)requisitioning any public record or copy thereof
from any Court or office;
(d)receiving evidence on affidavits; and
(e)issuing commissions for the examination of
witnesses or documents.*

*(2) The adjudicating officer or the appellate authority
shall, while exercising any power under this Act, be deemed
to be a Civil Court for the purposes of sections 345 and 346
of the Code of Criminal Procedure, 1973 (Ventral Act 2 of
1974).”*

8. The Government in exercise of the powers conferred by Section 26 of the Tamil Nadu Marine Fishing Regulation Act, 1983 framed Tamil Nadu Marine fishing Regulation Rules, 2020. Rule 19 deals with Resolution of Disputes. Section 26 of the Act confers power to make Rule in exercise of the powers under Section 26 of the Act, the Government notified Tamil Nadu Marine Fishing Regulation Rules, 2020 in G.O.Ms.No.36 Animal Husbandry Dairying and Fisheries, dated 17.02.2020.

9. Chapter IV deals with Resolution of Disputes. Rule 19



contemplates District level peace committee and reads as under:

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*“Chapter IV
Resolution of Disputes*

19. District level peace committee._ (1) For resolution of disputes, a District Level Peace Committee shall be constituted with the following members under the chairmanship of District Collector concerned:-

(i) Concerned Sub-Collector/Revenue Divisional Officer having jurisdiction, over such coastal area.

(ii) Concerned Deputy Superintendent of Police.

(iii) Adjudicating Officer i.e., Joint Director of Fisheries/Deputy Director of Fisheries.

(iv) Assistant Director of Fisheries of the District concerned other than the Authorized officer.

(v) Two Office bearers of the District Association of Fishermen operating Motorized country craft and country craft of the District as may be nominated by the District Collector.

(vi) Two Office bearers of the District Association of Fishermen operating mechanised fishing vessel of the District as may be nominated by the District Collector.

(vii) Authorized Officer concerned (Member-Secretary).

(viii) Any other special invites as desired by the District Collector.

(ix) Two Fisheries Advisory Committee Members as may be nominated by the District Collector.

(2) An agreed resolution made by this committee on any dispute that may arise in the District, shall be binding on all parties of the District concerned.”

10. When the Act and Rules contemplates constitution of peace committee at District Level, the District Collector is empowered to convene



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peace committee amongst the villagers in order to resolve the issues enabling the villagers to exercise fishing rights in a peaceful manner. In the event of any dispute, it is to be adjudicated under Section 21 of the Act by following the procedures as contemplated. However, in the present case, only peace committee meeting is convened.

11. Though the District Collector has not mentioned the provisions of the Act and Rules and issued the call letter for conducting peace committee, the said call letter is to be construed as if, the same has been issued under the powers conferred under the Act and Rules. Therefore, convening of peace committee cannot be said to be in violation of any of the provisions of the Act and Rules.

12. Pertinently, Section 21-A of the Tamil Nadu Marine Fishing Regulation Act, 1983 barred the powers of the Civil Court to decide the issues falling within the purview of the Act. That being so, the parties need not be relegated to approach the Civil Court for resolving the disputes relating to exercise of the fishing in Pulicat lake.

13. Thus, this Court do not find any infirmity in respect of the action



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taken by the District Collector and to convene peace committee meeting for

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resolving the issues in an amicable manner. Since the date fixed for Peace

Committee Meeting has been already expired, the respondents No.2 to 5

may, if required, issue fresh notice for convening Peace Committee Meeting

and resolve the issues by following the procedures. Consequently, the writ

order dated 21.06.2024 passed in W.P.No.30028 of 2023 is set aside.

Accordingly, the writ appeal stands allowed. There shall be no order as to

costs. Consequently, the connected miscellaneous petition stands closed.

(S.M.S., J.) (K.R.S., J.)
12.03.2025

ssi

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation Case : Yes/No

To:

1.The District Collector,



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Thiruvallur District,
Thiruvallur.

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2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

3.The Sub-Collector/RDO,
Ponneri Division,
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4.The Tahsildar,
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Ponneri.

S. M. SUBRAMANIAM., J.
AND

K. RAJASEKAR., J.



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W.M.P.No.19779 of 2024

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