



W.P.No.34786 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:14.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34786 of 2024
and
W.M.P.No.37722 of 2024

1.A.P.Karunanithi,
S/o Perumal,
No.151, Near Kaliamman Koil,
Main Road, Thandavakulam,
Sirkazhi, Myladuthurai District 609 101.

.. Petitioner

/versus/

1.The Assistant Director,
Fisheries Department,
Sirkazhi, Myladuthirai District.

2.The District Collector cum
The President District Level committee,
Costal Aqua Culture Authority,
Myladuthurai District.

3.The Revenue Divisional Officer cum
The President, Sub Divisional Level Committee,
Costal Aqua Culture Authority,
Sirkazhi, Myladuthurai District.



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4.The Tahsildar,
Sirkazhi,Myladuthurai District.

5.S.Pakkirisamy,
S/o Chinnaiyan,
Village President and General Public,
Tsunami Nagar, Thandavankulam,
Sirkazhi, Myladuthurai District.

6.The Costal Aquaculture Authority,
Rep.by the Members Secretary,
5th Floor, Integrated office complex for
Animal Husbandry and Fisheries
Department, Fanepet, Nandanam,
Chennai 600 035.

R6 suo motu impleaded as per order dated 11.03.2025 in
W.P.No.34786 of 2024 by DBCJ)

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue of Writ of Certiorari calling for the entire records pertaining to the order dated 30.08.2024 in Na.Ka.No.1932/E/2024 passed by the 1st respondent and quash the same.

For Petitioner :Mr.B.Ramamoorthy

For Respondents :Mr.V.Manoharan, AGP for R1 to R4
Mr.A.Yogeswaran for R5
Mr.Rajesh Vivekanandan,
Dy.Sp;ocot General of India for R6
(impleaded party)



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ORDER

The Writ Petition is filed for Certiorari calling for the entire records pertaining to the order dated 30.08.2024 in Na.Ka.No.1932\E\2024 passed by the 1st Respondent and quash the same.

2. By the impugned order, the first respondent had found that the petitioner is running a shrimp farm in a prohibited place and in a manner that causes harm to the coastal environment, and directed him to stop the preparatory work. Aggrieved by the same, the petitioner has come before this Court.

3. It is the case of the petitioner that the petitioner has duly complied with all the statutory requirements and a license has been granted in form-II on 12.09.2022 by the Coastal Aquaculture Authority under Section 13 of the Coastal Aquacultural Authority Act, 2005 and therefore, the impugned order cannot be passed by the first respondent.



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4. The Learned Additional Government Pleader appearing on behalf of the respondents 1 to 4 would submit that it may be true that the License has been granted. But subsequently, there has been law and order problem. Pursuant thereto, the authorities have inspected. In the inspection, it was found that the area is not suitable and therefore, the order is passed.

5. The learned counsel appearing on behalf of the fifth respondent would submit that there is a prohibition under Section 13(8) of the Act itself. As per the same, no coastal aquaculture shall be carried on in any ecologically sensitive areas and geomorphological areas. Further, the activity is also banned in respect of no development zone. By producing the Costal Zone Regulation Map which is published in respect of the said area, learned Counsel submits that the present shrimp farm is situated in survey number 132, which is classified as intertidal area and buffer area and as such, is a no development zone and therefore the very siting was erroneous. If the petitioner furnished the correct particulars, the authorities would not have made the recommendation and the license would not have been



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granted. In reply thereof, the learned counsel for the petitioner submits that the petitioner purchased the said land in the year 2007 and it is only classified as punjai land.

6. I have considered the rival submissions made on either side and perused the materials available on record.

7. When the petitioner has been granted a registration under Section 13 of the Act, even if subsequently it now transpires that the location is in the prohibited site, it is for the sixth respondent to consider the same. Section 13(12) enables the sixth respondent to vary, amend or modify the certificate of registration that is issued under that Section, in such manner as may be prescribed. The certificate is granted in favour of the petitioner. Even if the certificate is to be cancelled, the petitioner has also to be granted an opportunity to explain his position. At the same time, it is the categorical assertion on the part of the fifth respondent as well as the respondents 1 to 4 that the siting is erroneous and it is harmful to environment.



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8. In view of the rival contentions that are made, this writ petition is disposed on the following terms.

(i)The impugned order dated 30.08.2024 stands quashed;

(ii)Both the petitioner and the respondents 1 to 5 shall appear before the 6th Respondent for an enquiry on 01.04.2025. On the said day, the 5th respondent as well as the respondent 1 to 4 shall present all their objections in writing in respect of the said licence. The copies thereof shall be issued to the petitioner;

(iii)The petitioner can submit his explanation and his version in respect thereof and after hearing both sides, the authority shall consider whether the registration is required to be cancelled and if the site is in a prohibited place, the authority shall pass appropriate orders;

(iv)The said exercise shall be completed within a period of 12 weeks, from the date of appearance of the parties;

(v)The parties shall act on production of the web copy of the order without waiting for the certified copy;



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(vi)Consequently, connected Miscellaneous Petition is closed. No costs.

17.03.2025

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Neutral citation:no

To:

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Sirkazhi, Myladuthirai District.

2.The District Collector cum The President District Level committee,
Costal Aqua Culture Authority, Myladuthurai District.

3.The Revenue Divisional Officer cum The President, Sub Divisional Level
Committee, Costal Aqua Culture Authority, Sirkazhi, Myladuthurai District.

4.The Tahsildar, Sirkazhi,Myladuthurai District.

5.S.Pakkirisamy, S/o Chinnaiyan, Village President and General Public,
Tsunami Nagar, Thandavankulam, Sirkazhi, Myladuthurai District.

6.The Costal Aquaculture Authority, Rep.by the Members Secretary,
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