



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.24139 of 2019

and

W.M.P. (MD) No.20730 of 2019

R.Dharmaveeran

...Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai 625 020.

2.The Assistant Director of Fisheries,
Fisheries Department,
Madurai Zone,
Madurai District.

3.The Block Development Officer,
Thirupparankundram Block,
Thirupparankundram,
Madurai.

4.The Inspector of Police,
Avaniyapuram Police Station,
Madurai.

5.Pooli Jeyaraman

6.Kannan

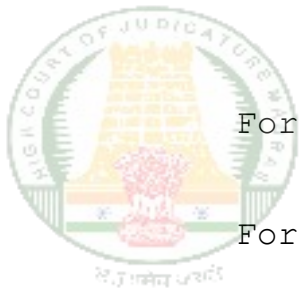
7.Thandalmari

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to take action against the respondents 5 to 7, who are cultivating fishery in Udaikulam Kanmai, Ayan Pappakudi Village, Avaniyapuram, Madurai District, without lawful permission from the appropriate authority.

For Petitioner

: Mr.Banu Prasath for
Mr.C.Mayilvahana Rajendran



For R1, R2 & R4

: Mr.V.Anand
Government Advocate

For R3

: Mr.J.Gunaseelan Muthiah
Additional Government Pleader

For R5 to R7

: Mr.C.Kannan

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ORDER

This writ petition is filed to direct the respondents 1 to 4 to take action against the respondents 5 to 7, who are cultivating fishery in Udaikulam Kanmai, Ayan Pappakudi Village, Avaniyapuram, Madurai District, without any lawful permission from the appropriate authority.

2.According to the petitioner, he made a representation dated 25.10.2019 to the respondents 1 to 4 to take action against the respondents 5 to 7 to prevent the illegal fishery in the "Udaikulam Kanmai" situated at Ayan Pappakudi Village, Avaniyapuram, Madurai District. But, on such representation no action has been taken by the respondents 1 to 4 till date. Hence, the petitioner is before this Court for the relief stated supra.

3.*Per contra*, the learned Government Advocate appearing for the respondents 1 to 4 would submit that the 3rd respondent is not a competent authority to dispose of the petitioner's representation dated 25.10.2019, since the aforesaid kanmai is come under the control of Madurai Corporation and the same has also been maintained by the Public Works Department. However, the petitioner has not impleaded the appropriate authorities in the present writ petition, as necessary party. He would further submit that without impleading the authorities concerned, the petitioner's cannot claim the relief stated supra.

4.In reply, the learned counsel appearing for the petitioner emphasized this Court that the 3rd respondent is a competent authority to dispose of the petitioner's representation dated 25.10.2019 and would submit that the aforesaid kanmai is under the control of the 3rd respondent.

5.In view of the submissions made on either side, this Court is inclined to pass the following directions:-

i) if the 3rd respondent is a competent authority to dispose of the petitioner's representation dated 25.10.2019, he is directed to consider the same and pass appropriate orders on merits and in accordance with law. If not, he is directed to communicate the same to the petitioner;

ii) the aforesaid exercise shall be completed within a period



of eight weeks from the date of receipt of a copy of this order;

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Madurai District,
Madurai 625 020.

2. The Assistant Director of Fisheries,
Fisheries Department,
Madurai Zone,
Madurai District.

3. The Block Development Officer,
Thirupparankundram Block,
Thirupparankundram,
Madurai.

4. The Inspector of Police,
Avaniyapuram Police Station,
Madurai.

+1 CC to M/s.C. MAYIL VAHANA RAJENDRAN, Advocate (SR-13499[F] dated 03/08/2020)

+1 CC to M/s.GP (SR-13522[F] dated 03/08/2020)

W.P. (MD) No.24139 of 2019

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AP(12/08/2020) 3P 7C