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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Eleventh day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WP(MD) No.16660 of 2023

MARUDHAMUTHU .V

... PETITIONER

Vs

THE ASSISTANT DIRECTOR
FISHERIES AND FISHERMEN WELFARE DEPARTMENT,
DINDUGUL DISTRICT.

... RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Mandamus, directing the respondent to permit the petitioner to continue the fishing right till 30.06.2024 as per the order of the respondent dated 04.12.2019.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.PANNER SELVAM .V, Advocate for the petitioner and of Mr.M.SARANGAN, Additional Government Pleader on behalf of the Respondent, the Court made the following order:-

The petitioner, who is a licensee of fishing rights in Puthukulam Tank, Dharmathupatti has filed this writ petition for a Mandamus, directing the respondents to permit the petitioner to continue his fishing rights till 30.06.2024, as per the order of the respondent dated 04.12.2019.



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2.The learned counsel appearing for the petitioner submits that the petitioner has obtained the fishing rights upto June 2024 and he has been peacefully conducting the fishing for the past four years. When the petitioner has approached the respondent on 26.06.2023 to remit the license fee for the fifth year, the respondent asked to him to remit it on the next week. Since the respondent has refused to receive the license fee of the petitioner on the subsequent date, the petitioner as an abundant caution has drawn a Demand Draft on 30.06.2023 and has also sent the same to the respondent by a registered post. However, the respondent has not acknowledged the payment and no receipt has been issued to the petitioner. Therefore, the petitioner is before this Court seeking for a Mandamus directing the respondent to permit the petitioner to continue his fishing right for his license period.

3.Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the respondent submit that this petitioner has obtained a license in the year 2019. In violation of the license condition, the petitioner has sub-leased the Tank to the third party and the same was reported to the respondent and hence the respondent has ordered for an enquiry. According to the learned Additional Government Pleader, the Inspector of Fisheries and Fishermen Welfare Department, Ottanchathram is conducting an enquiry on the complaint of one Karnan and if the petitioner co-operate for the enquiry, necessary decision would be taken based on the enquiry report.



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4. In view of the above, this Court is passing the following order:-

- i. Since the petitioner has already been granted license for fishing upto June 2024, the petitioner shall be permitted to continue the fishing until further orders from this Court.
- ii. The petitioner shall appear for an enquiry before the Inspector of Fisheries and Fishermen Welfare Department, Ottanchathiram on 18.07.2023.
- iii. The Inspector of Fisheries and Fishermen Welfare Department, Ottanchathiram shall conclude the enquiry and pass necessary orders within a period of two weeks from thereon.
- iv. The respondent shall file a detailed counter affidavit along with a report on the next date of hearing.

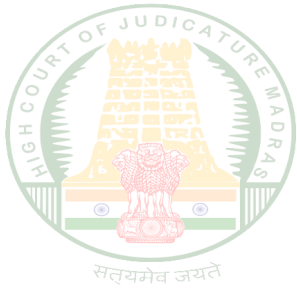
List the matter on **16.08.2023**.

sd/-
11/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn



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TO

THE ASSISTANT DIRECTOR
FISHERIES AND FISHERMEN WELFARE DEPARTMENT,
DINDUGUL DISTRICT.

Copy to:
THE INSPECTOR OF FISHERIES AND FISHERMEN WELFARE DEPARTMENT,
OTTANCHATHIRAM.

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-10605[I] dated 12/07/2023)

ORDER
IN
WP(MD) No.16660 of 2023
Date :11/07/2023

SS/BUC/24/07/2023/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023