



W.P.(MD).Nos.23213 of 2019 and 9147 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)Nos.23213 of 2019 and 9147 of 2020

and

W.M.P.(MD)Nos.19942 of 2019 and 1321, 8367 and 12014 of 2020

W.P.(MD)No.23213 of 2019:-

H.Faruq

... Petitioner

-vs-

**1.The State of Tamil Nadu,
represented by its Principal Secretary,
Animal Husbandry and Fisheries Department,
Fort St.George, Chennai.**

**2.The Costal Aquaculture Authority,
represented by its Chairperson,
5th Floor, Integrated Office Complex,
Animal Husbandry and Fisheries Department,
Nandhanam, Chennai.**

**3.The Assistant Director of Fisheries,
O/o.The Assistant Director of Fisheries,
Tanjore, Tanjore District.**

**4.R.Durai Ganesh
5.D.Rajagopal
6.T.Sathyamoorthy**

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondent No.2 and 3 to forbear the respondent 4 and 5 from operating the Prawn Aqua Culture Farm in S.No. 235/16, Eripuraikarai Village, Athirampattinam, Pattukottai Taluk, Tanjore Taluk without obtaining a certificate of registration from the respondent No.2 Coastal Aquaculture Authority within the time frame stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 to R3	: Mr.K.S.Selva Ganesan Additional Government Pleader
For R4 and R5	: Mr.N.Balakrishnan

W.P.(MD)No.9147 of 2020:-

Rajagopal

... Petitioner

-VS-

1.The Assistant Director of Fisheries,
Thanjavur.

2.The Coastal Aquaculture Authority,
represented by its State Legal Chairperson Committee,
5th Floor, Integrated Office Complex,
Nandhanam, Chennai.

3.The District Level Committee,
The Coastal Aquaculture Authority,
represented by its Chairperson/District Collector,
Collectorate, Thanjavur.



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4.H.Faruq

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in Na.Ka.No.3044/A2/2019, dated 27.07.2020 and to quash the same as illegal and arbitrary and in consequence thereof, to direct the third respondent to forward the application submitted by the petitioner to the second respondent to take a decision in accordance with law.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1 and R3	: Mr.K.S.Selva Ganesan Additional Government Pleader
For R2	:Mr.H.Velavadhas
For R4	:Mr.S.Rajasekar

COMMON ORDER

W.P.(MD)No.23213 of 2019 has been filed seeking a Writ of Mandamus to direct the respondents No.2 and 3 to forbear the respondents No.4 and 5 from operating Prawn Aqua Culture Farm in the subject property.

2.W.P.(MD)No.9147 of 2020 has been filed challenging the impugned order passed by the first respondent in Na.Ka.No.3044/A2/2019, dated



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27.07.2020 with a consequential direction to direct the third respondent to forward the application submitted by the petitioner to the second respondent to take a decision in accordance with law.

3.The case of the petitioner in W.P.(MD)No.23213 of 2019 is that the there is a civil dispute between the petitioner and the private respondents. In the disputed property, the private respondents are running a Prawn Aqua Culture Farm without obtaining proper and necessary permission from the authorities concerned. Hence, the petitioner has made several representations, dated 30.08.2019 and 26.09.2019, to the official respondents to prevent the illegal running of Prawn Aqua Culture Farm by the private respondents. Since no action has been taken on the representations of the petitioner, the present Writ Petition has been filed.

4.The case of the petitioner in W.P.(MD)No.9147 of 2020 is that the petitioner is indulging in aquaculture activities in the subject land and in order to get registration of coastal aquaculture, the petitioner has approached the third respondent and the third respondent, by an impugned order, dated 27.07.2020, has rejected the request of the petitioner. Hence, the present Writ Petition has been filed seeking the aforesaid relief.



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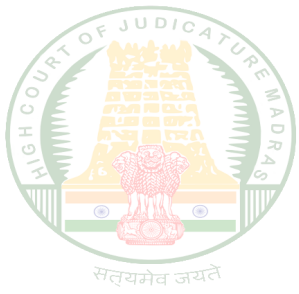
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5.Heard both sides.

6.When the matter is taken up for hearing, Mr.K.S.Selva Ganesan, learned Additional Government Pleader, submits that the petitioner in W.P.(MD)No.9147 of 2020, aggrieved by the impugned order, has a statutory appellate remedy available under Rule 10(10) of Coastal Aquaculture Authority Rules, 2005. The learned Additional Government Pleader further submits that the only remedy available to the petitioner in W.P.(MD)No.9147 of 2020 is to approach the competent authority, if aggrieved by the impugned order. Without approaching the said authority, the petitioner in W.P.(MD)No. 9147 of 2020, has straightaway approached this Court under Article 226 of the Constitution of India. He further submits that the authorities will take necessary action on the representation of the petitioner in W.P.(MD)No.23213 of 2019, after the disposal of the appeal, if any filed by the petitioner in W.P. (MD)No.9147 of 2020.

7.This Court, after considering the rival submissions, is of the considered view that the petitioner will have to necessarily prefer an appeal as prescribed under Rule 10(10) of Coastal Aquaculture Authority Rules, 2005, if aggrieved by the impugned order. In view of the same and in view of the

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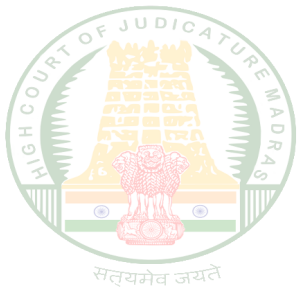


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order proposed to be passed, this is Court is not inclined to express any opinion on the impugned order, dated 27.07.2020.

8.For the foregoing reasons, the petitioner in W.P.(MD)No.9147 of 2020 is directed to file an appeal as against the impugned order, dated 27.07.2020 before the competent authority as per Rule 10(10) of Coastal Aquaculture Authority Rules, 2005, within a period of three months from the date of receipt of a copy of this order. On receipt of the same, the authority concerned shall dispose of the appeal within a period of four weeks thereafter. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the authority concerned to consider the same on its own merits. After passing of the final order by the authority concerned in the appeal preferred by the petitioner in W.P.(MD)No. 9147 of 2020, the official respondents are directed to take necessary action on the representations, dated 30.08.2019 and 26.09.2019 made by the petitioner in W.P.(MD)No.23213 of 2019 and pass necessary orders on merits and in accordance with law within a period of two months from the date of passing of final orders in the appeal preferred by the petitioner in W.P.(MD)No.9147 of 2020. In case, the petitioner in W.P.(MD)No.9147 of 2020, has not preferred any appeal, as per the direction of this Court, the official respondents are directed to pass final orders on the representations dated

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30.08.2019 and 26.09.2019 made by the petitioner in W.P.(MD)No.23213 of 2019 on merits and in accordance with law.

9. With the aforesaid directions, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.03.2025

NCC : Yes/No
Index : Yes / No

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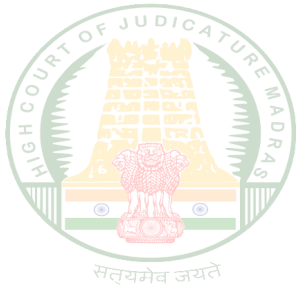
To:-

1.The Principal Secretary,
The State of Tamil Nadu,
Animal Husbandry and Fisheries Department,
Fort St.George, Chennai.

2.The Chairperson,
The Costal Aquaculture Authority,
5th Floor, Integrated Office Complex,
Animal Husbandry and Fisheries Department,
Nandhanam, Chennai.

3.The Assistant Director of Fisheries,
O/o.The Assistant Director of Fisheries,
Tanjore, Tanjore District.

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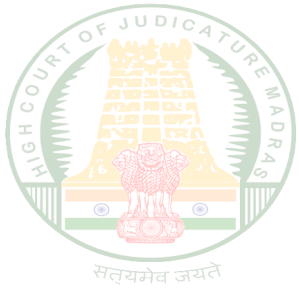
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4. The District Level Committee,
The Coastal Aquaculture Authority,
represented by its Chairperson/District Collector,
Collectorate, Thanjavur.

VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)Nos.23213 of 2019 and 9147 of 2020



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