

WWW.LIVELAW.IN

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7436 of 2021

Fisherman Care,
Registered Association,
Bearing S.L.No.386 of 2010,
rep. by its President L.T.A.Peter Rayan,
Tiruchandur Nagar,
Old Pallavaram,Chennai – 600 117. .. Petitioner

Vs.

- 1.The Union of India,
rep. by its Secretary,
Ministry of External Affairs,
New Delhi – 110 001.
- 2.Union of India,
rep. by Secretary,
Ministry of Agriculture and Farmers Welfare,
Department of Fisheries,
Krishi Bhavan, New Delhi.
- 3.Director General, Indian Coast Guard,
Ministry of Defence, Government of India,
Coast Guard Headquarters,
National Stadium Complex,
New Delhi – 110 001.

WWW.LIVELAW.IN

4. Additional Director General,
Indian Coast Guard, Ministry of Defence,
Government of India, Headquarters,
Indian Coast Guard Regional (East),
Rajaji Salai near Napier Bridge,
Chennai – 600 009.

5. The State of Tamil Nadu,
rep. by the Principal Secretary,
Government of Tamil Nadu,
Department of Animal Husbandry and Fisheries Department,
Fort St. George,
Chennai – 600 009. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 2nd and 5th respondents to award enhanced adequate compensation to the deceased fisherman family attacked by the Sri Lankan Navy on 18.1.2021 and provide government job to the legal heirs of the deceased fisherman's family and consequently direct the respondents to take appropriate action in accordance with criminal law against the offenders.

For Petitioner : Mr.L.P.Maurya

For Respondents : Mr.S.Janarthanam
CGSC
for respondent Nos.1 to 4

WEB COPY : Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent No.5

ORDER

WWW.LIVELAW.IN

(Order of the Court was made by The Hon'ble Chief Justice)

The writ petitioner is an association of fishermen and seeks to espouse the cause of the four local fishermen who were recently killed, by an attack apparently at the hands of the Sri Lankan navy, for allegedly straying beyond the territorial waters of India.

2. There appear to be two aspects to the petition: the first being compensation and jobs for the family of the deceased fishermen; and, the other pertaining to which should be the appropriate police station to conduct the investigation into the deaths of the four fishermen.

3. As far as the demand for compensation and demand for government jobs for the legal heirs of the deceased fishermen are concerned, the writ petitioner is permitted to make an appropriate representation to the Department of Fisheries of the Union Ministry of Agriculture and Farmers Welfare for such agency to consider the same. A similar representation may be made to the Department of the Animal Husbandry and Fisheries under the State Government. There should

WWW.LIVELAW.IN

be no duplication of job opportunities, but the appropriate departments of the State and the Centre may coordinate and provide adequate compensation in the wake of the untimely deaths of the four fishermen.

4. As far as the investigation is concerned, it appears to be the stand of the Union that the incident took place in international waters or, at the very least, beyond the territorial waters of India. Though the petitioner contends that the appropriate police station should be one in Chennai, the FIR has been lodged in Rameshwaram and the Nagapattinam police authorities are apparently looking into the matter. The Centre and the State should coordinate to specify a particular authority, in accordance with law, that would head the investigation and bring the matter to a logical end by giving a due closure, so that the families of the deceased fishermen are aware of the circumstances in which the four died.

5. W.P.No.7436 of 2021 is disposed of without any order as to costs. If the petitioner's representation in terms of this order is made to the Union or the State within four weeks from date, the relevant

WWW.LIVELAW.IN

Secretaries heading the particular departments should consider the same and communicate a reasoned decision to the petitioner and to the families of the deceased fishermen within eight weeks of the receipt thereof. There will be no order as to costs.

(S.B., CJ.) (S.K.R., J.)
22.03.2021

Index : No
bbr

To:

- 1.The Secretary,
Union of India,
Ministry of External Affairs,
New Delhi – 110 001.
- 2.The Secretary,
Union of India,
Ministry of Agriculture and Farmers Welfare,
Department of Fisheries,
Krishi Bhavan, New Delhi.
- 3.The Director General, Indian Coast Guard,
Ministry of Defence, Government of India,
Coast Guard Headquarters,
National Stadium Complex,
New Delhi – 110 001.

WWW.LIVELAW.IN

- 4.The Additional Director General,
Indian Coast Guard, Ministry of Defence,
Government of India, Headquarters,
Indian Coast Guard Regional (East),
Rajaji Salai near Napier Bridge,
Chennai – 600 009.
- 5.The Principal Secretary,
State of Tamil Nadu,
Government of Tamil Nadu,
Department of Animal Husbandry and Fisheries Department,
Fort St. George,
Chennai – 600 009.



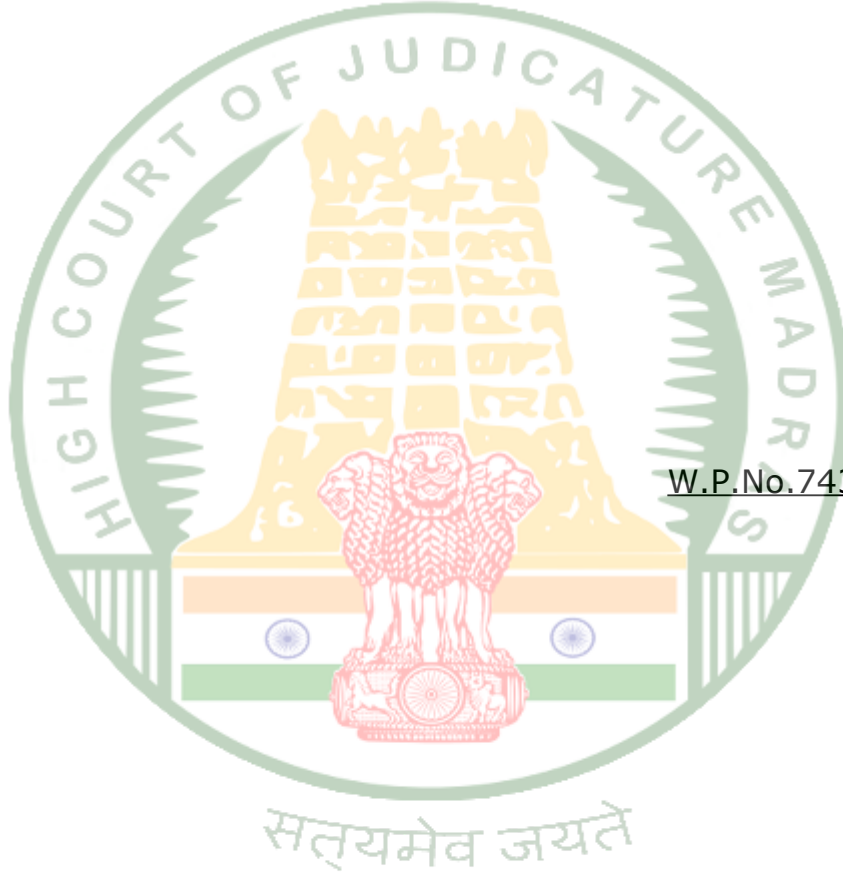
WEB COPY

W.P.No.7436 of 2021

WWW.LIVELAW.IN

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

bbr



W.P.No.7436 of 2021

WEB COPY

22.03.2021