

Muthu vs State of Kerala

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Court : Kerala

Decided On : Jun-08-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/18584/2023

Appellant : MUTHU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 8TH DAY OF JUNE 2023 / 18TH JYAISHTA, 1945
WP(C) NO. 18584 OF 2023 PETITIONER/S: MUTHU, AGED 46 YEARS
MUTHU, S/O PAKIRIAH, 46 YEARS, FISHERMEN COLONY,
NADUVILE(PART), CHAITHRAM VAIKOM P.O., VAIKOM KOTTAYAM,
PIN - 686141 BY ADV DILIP J. AKKARA RESPONDENT/S:

1 STATE OF KERALA PRINCIPAL SECRETARY, DEPARTMENT OF
FISHERIES, SECRETARIAT, PALLAYAM, THIRUVANANTHAPURAM,
PIN - 2 DIRECTOR OF FISHERIES DIRECTORATE OF FISHERIES,
VIKAS BHAVAN, THIRUVANANTHAPURAM, PIN - 695033 3 DEPUTY

DIRECTOR OF FISHERIES DEPARTMENT OF FISHERIES,
PATTURAIKAL, THIRUVAMBADI P.O., THRISSUR, PIN - 680022 4
DEPUTY DIRECTOR OF FISHERIES DEPARTMENT OF FISHERIES,
REVAATHI, KARAPPUZHA, KOTTAYAM WEST P.O., KOTTAYAM, PIN
- 686003

OTHER PRESENT: SRI.B.S.SYAMANTAK, GP THIS WRIT PETITION
(CIVIL) HAVING COME UP FOR ADMISSION ON 08.06.2023, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

P.V.KUNHIKRISHNAN, J.

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W.P.(C)	No.	18584	of	2023
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Dated this the 8th day of June, 2023

JUDGMENT

The above writ petition is filed with following prayers:

I. Issue a direction or order setting aside Ext.P-8 order

rejecting petitioners Ext.P-3 & P-7 Applications. II. Declare that petitioner is entitled to ply his trade as fisherman using traditional Coracle (Kottavallam) within the waters of Kerala State. III. Issue an order or directing to the respondents to register Petitioners Coracle as a permitted Fishing Vessel; and IV. Grant such other or further relief as the petitioner might pray for and this Honourable Court may deem fit and proper. (sic)

2. According to the petitioner, he is a fisherman and making

his livelihood by fishing from his indigenously made Kottavallam (Coracle) using permissible size and class of nets. He had applied for registration of his Coracle which was rejected by the 4 th respondent. Even though the petitioner challenges the same, the same is not -3- considered is the grievance. Since there is no

action, this writ petition is filed.

3. Heard the counsel for the petitioner and the Government Pleader.

4. After hearing both sides, I am of the considered opinion

that the petitioner can challenge Ext.P8 before the 2 nd respondent. At this stage, the counsel for the petitioner submitted that the petitioner will submit an appeal against Ext.P8 before the 2nd respondent and there may be a direction to consider the same. If that be so, the 2 nd respondent can be directed to consider the appeal if any filed, within a time frame. Therefore, this writ petition is disposed of in the following manner:

1. The petitioner is free to challenge Ext.P8 by filing an appeal before the 2nd respondent, within two weeks from the date of receipt of a certified copy of this judgment. -4-

2. Once such an appeal along with a stamped certified copy of

this judgment together with a copy of this writ petition is received, the 2nd respondent will consider the same and pass appropriate orders in it, after giving an opportunity of hearing to the petitioner, as expeditiously as possible, at any rate, within one month from the date of receipt of the appeal. sd/-

P.V.KUNHIKRISHNAN JUDGE
das -5- APPENDIX OF WP(C) 18584/2023
PETITIONER EXHIBITS Exhibit P-1 PHOTOCOPY OF ADHAR CARD NO.4230
4990 0135 ISSUED BY THE UNIQUE IDENTIFICATION AUTHORITY OF INDIA
TO PETITIONER Exhibit P-2 PHOTOCOPY OF 'APPEAL FOR INCLUSION OF

IN THE LISTS PUBLISHED BY THE FISHERIES OFFICER' DATED 02-10-2017
SUBMITTED BY PETITIONER BEFORE THE 3RD RESPONDENT

ExhibitP-3 PHOTOCOPY OF APPLICATION FOR REGISTRATION OF FISHING
VESSELS & INDEPENDENT NETS DATED 25-03-17 SUBMITTED BY
PETITIONER ExhibitP-4 PHOTOCOPY OF JUDGMENT IN WP(C) 24535/21
DATED 03-01-22 Exhibit- P5 PHOTOCOPY OF COMMUNICATION NO.
C/1528/2020 DATED 10-03-22 OF 3RD RESPONDENT ADDRESSED TO 4TH

ExhibitP-6 PHOTOCOPY OF 1ST PAGE OF PASS BOOK DATED 16-02-22
ISSUED BY KERALA FISHERMEN'S WELFARE FUND BOARD Exhibit P-7
PHOTOCOPY OF APPLICATION FOR REGISTRATION OF FISHING VESSELS
AND INDEPENDENT NETS DATED 16-02-22 Exhibit P-8 PHOTOCOPY OF
ORDER DATED 19-07-22 REJECTING PETITIONERS APPLICATION TO
REGISTER HIS 'CORACLE' AS PERMISSIBLE FISHING VESSEL Exhibit P-9
PHOTOCOPY OF PETITIONERS PETITION DATED 24-8-22 PRAYING THE
SAME TO BE TREATED AS APPEAL SUBMITTED TO 1ST & 3RD
RESPONDENTS Exhibit P-10 PHOTOCOPY OF TAX INVOICE NO.49 DATED
21-07-21 ISSUED TO PETITIONER BY 'DUA TRADERS' FOR FISHING NET
PURCHASED

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