

ITEM NO.32

COURT NO.15

SECTION III

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.27622/2024

[Arising out of impugned final judgment and order dated 14-08-2024 in SCA No. 12035/2024 passed by the High Court of Gujarat at Ahmedabad]

MANOJBHAI VARJANGBHAI MORI

Petitioner(s)

VERSUS

THE STATE OF GUJARAT &amp; ORS.

Respondent(s)

(IA No.267088/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.267089/2024-EXEMPTION FROM FILING O.T.)

Date : 29-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s)

Dr. S. Muralidhar, Sr. Adv.  
Mr. Abhimanue Shrestha, AOR  
Ms. Sridevi Panikkar, Adv.  
Mr. M.a.karthik, Adv.  
Ms. Ninni Susan Thomas, Adv.  
Mr. Maitreya Subramaniam, Adv.  
Ms. Pallak Bhagat, Adv.  
Mr. Nishant Kumar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

1. We have heard Dr. S. Muralidhar, the learned Senior counsel appearing for the petitioner.
2. The subject matter of challenge before the High Court was the legality and validity of the Gujarat Fisheries (Amendment) Rules, 2024 brought into effect vide Notification dated 31-07-2024 issued by the Agriculture, Farmers Welfare and Cooperative Department.
3. The High Court declined to interfere and dismissed the writ petition in limine.

4. The challenge is to the imposition of ban on the fishing activities for the period between 1<sup>st</sup> June to 15<sup>th</sup> August, i.e., 76 days in a calendar year.

5. It appears from the materials on record that earlier the ban was for the period between 1<sup>st</sup> June and 31<sup>st</sup> of July.

6. Since the same has now been extended by a further period of 15 days, the fishermen community is aggrieved by such amendment in the rules.

7. Dr. Murlidhar, the learned Senior counsel raised manifold contentions to make good his case that the amendment has no nexus with the object sought to be achieved and nothing is forthcoming as to what necessitated the Government to amend the rules thereby extending the ban for a further period of 15 days.

8. The learned Senior counsel pointed out that the extended period of 15 days ban as such may not look very arbitrary but when it comes to business, the community has to suffer a lot.

9. The learned Senior counsel further submitted that the High Court should have at least issued notice and called upon the State to explain the rationale behind the ban upto 15-08-2024.

10. We are not persuaded to interfere with the impugned order passed by the High Court.

11. There could be many good reasons that might have weighed with the Government in amending the rules. If the fishermen folk has any grievance to redress in this regard, it is always open for them to go before the authority concerned with an appropriate representation and point out that the subject amendment is going to cause undue hardship and irreparable loss to them.

12. We dispose of this petition with liberty to the petitioner to approach the State Government in its appropriate department and put forward its case. Although, we have thought fit not to interfere with the impugned order, yet it will be in the fitness of things if the Government looks into the matter dispassionately, without being influenced by the fact that the petitioner has not so far been able to obtain any relief from any court in this matter.

13. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)