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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

and

THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.(MD) No.1852 of 2021

K.K.Ramesh

... Petitioner

-VS-

1.The Government of India,
represented by its Home Secretary,
Ministry of Home Affairs,
New Delhi.

2.The Government of India,
represented by its Foreign Secretary,
Ministry of External Affairs,
New Delhi.

3.The Government of India,
represented by its Defence Secretary,
Ministry of Defence, New Delhi.

4.The Government of Tamil Nadu,
represented by its Home Secretary,
Secretariat, Chennai.

5.The Director General of Police,
Dr.Radhakrishnan Street,
Tamil Nadu, Chennai.

6.The District Collector,
Pudukkottai District,
Pudukkottai.

7.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the first respondent to instruct the respondents, (A) to arrest and cease the murder accused Srilankan Naval Personnel and their Naval Boat who killed 4 Indian Fishermen on 18.01.2021; (B) to get compensation from the Srilankan Government to the families of 4 mudered Indian Fishermen and (C) to take adequate steps to protect the Tamil Nadu Fishermen and their properties from Srilankan Navy (such as, boats and nets), by considering the petitioner's representation, dated 19.01.2021.

For Petitioner : Mr.K.K.Ramesh
Party-in-Person

For Respondents : Mrs.L.Victoria Gowri
Assistant Solicitor General of India for R.1 to R.3

Mr.K.P.Krishnadoss
Special Government Pleader for R.4 to R.7

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ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The matter pertains to the recent killing of four Indian fishermen who had strayed into Sri Lankan waters or, at any rate, had crossed the international maritime boundary line.

2. A counter-affidavit has been filed on behalf of the Union. Such affidavit details the diplomatic efforts undertaken to ensure that there is no recurrence of such incident. It appears that a joint working group on fisheries from the two nations met on December 30, 2020 and the entire aspect was discussed threadbare.

3. Without being jingoistic or parochial in the matter, every effort should be made by the Union to persuade the Sri Lankan authorities to desist from taking extreme measures in case Indian fishermen, accidentally or otherwise, stray into Sri Lankan waters. It is the same restraint which ought to be exercised by Indian authorities when it comes

to Sri Lankan fishermen. At the same time, Indian fishermen should be educated and, if necessary, gadgets installed that sound an alarm ahead of the international maritime boundary line so that accidental overstepping across the Indian waters do not take place.

4. In view of the measures indicated in the Union's affidavit, no further steps can be suggested by the Court, except as indicated above.

5. WP.(MD) No.1852 of 2021 is disposed of without any order as to costs.

[S.B., C.J.]

[R.H.,J.]

04.03.2021

Index : Yes / No

Internet : Yes

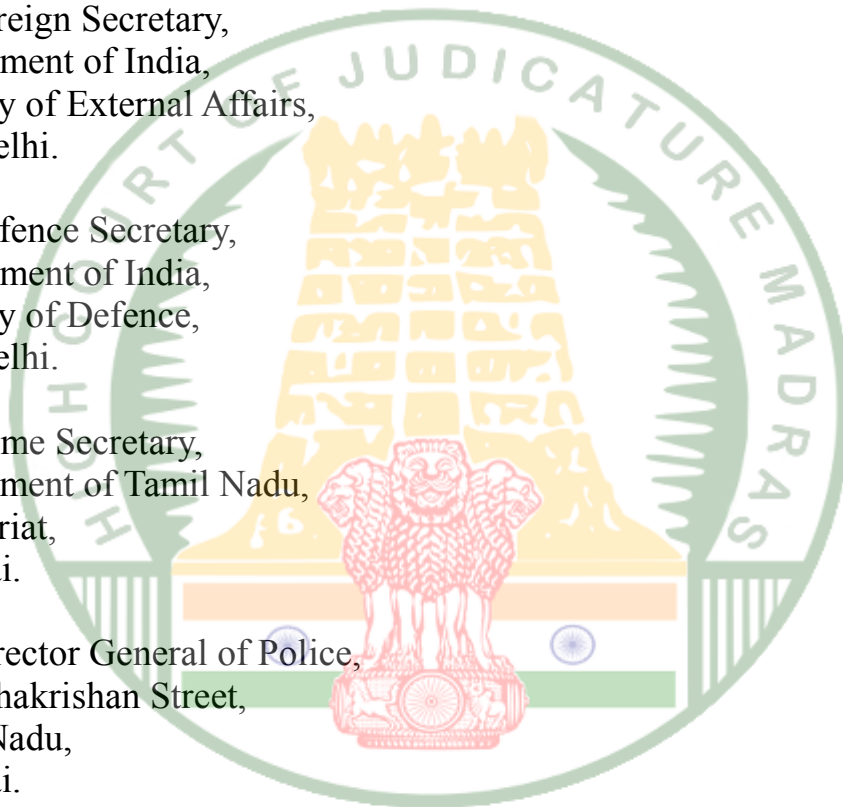
RR/OGY

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Home Secretary,
Government of India,
Ministry of Home Affairs,
New Delhi.
- 2.The Foreign Secretary,
Government of India,
Ministry of External Affairs,
New Delhi.
- 3.The Defence Secretary,
Government of India,
Ministry of Defence,
New Delhi.
- 4.The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai.
- 5.The Director General of Police,
Dr.Radhakrishnan Street,
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- 6.The District Collector,
Pudukkottai District,
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- 7.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.



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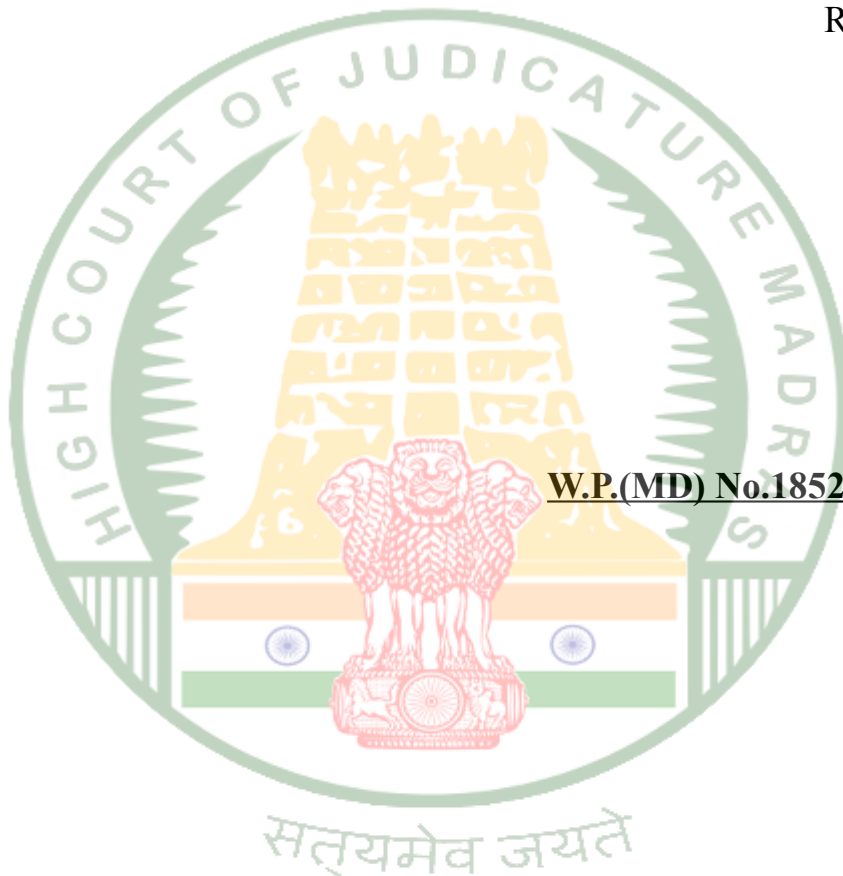
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THE HON'BLE THE CHIEF JUSTICE

and

R.HEMALATHA, J.

RR/OGY



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