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W.P.(MD) Nos.23290 of  
2021 & 3442 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.3.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,  
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) Nos.23290 of 2021 & 3442 of 2022

WMP (MD) Nos.19721 of 2021 & 272 of 2022

WP(MD) No.23290 of 2021

G.Thirumurugan @ Theeran Thirumurugan .. Petitioner

Vs.

1. Union of India  
rep. by the Secretary  
Ministry of External Affairs  
Government of India  
South Block  
New Delhi 110 011.
2. State of Tamil Nadu  
rep. by the Principal Secretary  
Department of Animal Husbandry, Dairying,  
Fisheries and Fishermen Welfare  
State of Tamil Nadu  
Fort St. George, Secretariat  
Chennai 600 009.



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3. The Commissioner of Fisheries and  
Fishermen Welfare  
Tamil Nadu Fisheries Development Corporation  
Limited (TNFDC)  
Integrated Animal Husbandry and Fisheries Building  
Nandanam  
Chennai 600 035.

4. The District Collector  
Ramanathapuram District  
Ramanathapuram.

.. Respondents

WP (MD) No.3442 of 2022

Armstrong Fernando

.. Petitioner

Vs.

1. Union of India  
rep. by its Secretary  
Ministry of External Affairs  
Government of India  
Jawaharlal Nehru Bhavan  
Janpath Road, New Delhi.

2. Government of Tamil Nadu  
rep. by its State Secretary  
Ministry of External Affairs  
68, College Road, EVK Sampath Maligai  
Nungambakkam, Chennai.

3. Government of Tamil Nadu  
rep. by its Chief Secretary  
St. George Fort, Chennai.

4. Srilanka's High Commissioner to India  
High Commission of Sri Lanka  
No.27, Kautilya Marg, Chanakyapuri



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New Delhi 110 021.

.. Respondents

Prayer: WP(MD) No.23290 of 2021 - Petition filed under Article 226 of The Constitution of India praying for a writ of Mandamus directing the respondents 1 and 2 to take appropriate action for the release of 68 Tamil Nadu Fishermen and their boats from the custody of Sri Lankan Navy and Coast Guard and hand over them to their relatives in accordance with law within the time stipulated by this Court.

WP(MD) No.3442 of 2022 - Petition filed under Article 226 of The Constitution of India praying for a writ of Mandamus directing the respondents to enforce Article 5 and 6 of "Agreement between Srilanka and India on the boundary in Historic Quarters between the two countries and related matters 26 and 28 June 1974" and release the illegally detained 68 fishermen and 21 boats.

For Petitioner : Mr.M.Radhakrishnan  
For Mr.Alagumani.R  
in WP (MD) No.23290/21

No appearance  
in WP (MD) No.3442/22

For Respondents : Mr.V.Chandrasekaran  
for R1 in both WPs.

Mr.R.Shumugasundaram  
Advocate General  
Assisted by Mrs.R.Anitha  
Spl. Govt. Pleader &  
Ms.A.G.Shabeena  
for R2 to R4 in  
WP (MD) No.23290/21  
& for R2 & R3 in



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WP (MD) No.3442/22

COMMON ORDER

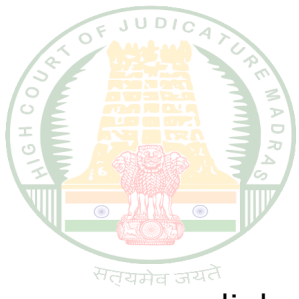
(Order of the Court was made by  
the Hon'ble Chief Justice)

We have heard the learned counsel appearing for the respective parties.

2. The writ petitions have been filed for the release of Tamil Nadu fishermen, who were taken into custody with their boats by the Sri Lankan Navy and Coast Guard.

3. A reference to Articles 5 and 6 of the Agreement between Srilanka and India on the boundary in Historic Quarters between the two countries and related matters 26 and 28 June 1974 has been made.

4. This Court passed a detailed order on 31.12.2021 giving out the efforts already taken by the Government of India through the



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diplomatic channels.

5. The learned counsel appearing for one of the petitioners submits that those efforts through diplomatic channels have to be continued so that 68 fishermen, who were arrested, may be released at the earliest.

6. Though we find that efforts were made by the Government of India through the diplomatic channels with the assistance of the Government of Tamil Nadu, yet some more efforts are required to be made so that 68 fishermen may get released at the earliest and for that purpose if there exists an agreement, it can be invoked.

7. Since the arrest of 68 fishermen is affecting their respective families, we trust that the Government of India would make all the efforts for the release of 68 fishermen, who were taken into custody by the Sri Lankan Navy and Coast Guard. Accordingly, a copy of this order may be sent to the respondents to take efforts to get all the fishermen released.



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8. With the above observation, the writ petitions are disposed of. Consequently, the connected miscellaneous petitions are closed. There will be no order as to costs.

(M.N.B., CJ.) (D.B.C.J.)  
28.3.2022

Index : Yes/No

To:

1. The Secretary  
Ministry of External Affairs  
Government of India  
South Block  
New Delhi 110 011.
2. The Principal Secretary  
Department of Animal Husbandry, Dairying,  
Fisheries and Fishermen Welfare  
State of Tamil Nadu  
Fort St. George, Secretariat  
Chennai 600 009.
3. The Commissioner of Fisheries and  
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5. The State Secretary  
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68, College Road, EVK Sampath Maligai  
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6. The Chief Secretary  
St. George Fort, Chennai.
7. Srilanka's High Commissioner to India  
High Commission of Sri Lanka  
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RS



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M.N.BHANDARI, CJ  
AND  
D.BHARATHA CHAKRAVARTHY, J

RS

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28.3.2022