
(2001) 09 DEL CK 0011
In the Delhi High Court
Case No : CW No. 5132/99

A.K. International

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 14-09-2001

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2001) 09 DEL CK 0011

Hon'ble Judges : Mukul Mudgal, J

Bench : Single Bench

Advocate : N. Pandey and Maninder Singh, for the Respondent

Final Decision : Dismissed

Judgement

Mukul Mudgal, J.—This writ petition under Article 226 & 227 challenges the refusal of the respondent No.1-Union of India to grant extension of validity of the Charter Permits to the petitioners in consonance with the Deep Sea Fishing Policy & Charter Policy of 1986.

2. The main issue arising in this writ petition is the plea of the petitioner that the extension/renewal of permit after the initial period of 5 years will be an automatic extension/renewal and it can be claimed as a matter of right. Counsel for the respondents has relied upon a judgment of Division Bench of this court, passed in CW.4532/97 entitled as M/s. Golden Ahar Company Ltd. and Anr. Vs Union of India on 8th of April, 1999.

3. The aforesaid judgment held as follows:

"Therefore, it cannot be said that renewal of permission was as a matter of right. Secondly, an important fact in this case is the change in government policy. The facts noted hereinabove show that in larger public interest, the deep sea fishing policy had to be reframed. The government had to appoint a Review Committee in this behalf and the recommendations of the Review Committee received in February 1996 had been duly accepted by the government. In view of the entire

policy change being undertaken by the government, the grant of permission for deep sea fishing to foreign trawlers/vessels was totally suspended. The petitioner who admittedly had arrangement with foreign vessels could not, Therefore, get renewal of permit for deep sea fishing. The petitioner cannot seek permission as a matter of right. Moreover, where public interest is involved, individual interest has to give way."

4. In view of the above findings of the Division Bench of this Court in the aforesaid judgment, which binds this Court, the writ petition does not survive and is accordingly dismissed with no orders as to costs.