



WEB COPY

WP No. 31631 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 31631 of 2026

and

WMP Nos.34758 and 34760 of 2026

R.Selvaraj
Member of P.E. Sirumugai,
Fisherman Cooperative Society Ltd.,
Sirumugai Village,
Coimbatore District-641 302

..Petitioner(s)

Vs

1. The Government of Tamilnadu,
Rep. by Secretary to Government,
Animal Husbandry, Dairying,
Fisheries and Fisherman Welfare (FS6)
Department,
Fort St. George,
Chennai-600 009.
2. The Commissioner of Fisheries,
Nandanam,
Chennai-600 035.
3. The Deputy Director
Fisheries Department,
Bhavani Sagar.
4. Tamilnadu Fisheries Development corporation
Limited,
rep. by its Managing Director,
No.571 4th floor, Anna Salai,
Nandanam,
Chennai-600 035



5. The Special Officer
P.E.Sirumugai Fisherman cooperative Society
Ltd.,
Sirumugai Vilalge,
Coimbatore District.

6. The Special Officer
F(PL) 10 Bhavani Sagar Fisherman Cooperative
society Ltd.,
Sirumugai Village,
Coimbatore District.

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for writ of Certiorarified Mandamus, to call for the records pertaining to the impugned E-auction notice dated 22.07.2026 issued by the 4th respondent, and quash the same and further direct the 4th respondent to permit the members of P.E.Sirumugai Fisherman Co-operative Society Ltd, to continue the lease of fishing rights in the Bhavani Sagar reservoir, as per the lease deed dated 24.07.2025.

For Petitioner(s): Mr.Abdul Saleem,
Senior Counsel for
Mr.Mahamoodha Shafa Risala

For Respondent(s): Mr.R.Chakkaravarthy,
AGP for R1 to R4.
Ms.B.Kavya,
Government Advocate for R5 and R6.



ORDER

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The present writ petition is filed challenging the impugned e-auction notice dated 22.07.2026 issued by the fourth respondent and seeking a direction to the fourth respondent to permit the members of the P.E. Sirumugai Fisherman Co-operative Society Limited to continue the lease of fishing rights in the Bhavani Sagar Reservoir in terms of the lease dated 24.07.2025.

2. Petitioner is a member of P.E. Sirumugai Fisherman Co-operative Society Limited. It is stated that earlier the first respondent had entered into a lease dated 24.07.2025 with both P.E. Sirumugai Fisherman Co-operative Society Limited and Bhavani Sagar Fisherman Co-operative Society Limited for a period of five years, commencing from 24.07.2025 and ending on 23.07.2030. The upset price was fixed at Rs.2,19,61,150/- and the lease amount was fixed at Rs.2,82,49,310/-. Both the Societies were successful bidders and their bid of Rs.2,82,49,310/- was accepted, pursuant to which the lease deed came to be executed. The lease deed also contemplated that during the lease period, the lease amount payable for each year ought to be paid two months prior to the commencement of the particular year. It appears that there have been certain differences among the members of both the Societies and vide communication dated 02.07.2026, Administrators of both Societies had expressed difficulty in paying



the lease amount. Pursuant thereto, e-tender-cum-auction notice dated 22.07.2026 came to be issued.

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3. Learned Senior Counsel appearing for the petitioner would submit that however, even before the issuance of the e-tender-cum-auction notice, on 17.07.2026, members of P.E. Sirumugai Fisherman Co-operative Society had expressed their willingness to pay not only their portion of the lease amount but also the portion of the amount which was originally supposed to be paid by the Bhavani Sagar Fisherman Co-operative Society. He would contend that the impugned e-tender-cum-auction notice may not be legally sustainable for two reasons, viz.,

a. The lease agreement is yet to be cancelled and continues to be in subsistence.

b. Secondly, the fishery rights and the order of preference in granting such fishery rights are governed by RSO 211, which reads as under:

“RSO 211 – Disposal of Fisheries by Lease: The fisheries in all public inland waters such as tanks, rivers, estuaries, canals, drains, etc., whether in charge of Revenue or Public Works or Fisheries Department, should ordinarily be disposed of by lease. Where such waters lie in or flow through municipal or panchayat limits, the right of fishing shall be exercised in such limits subject to the provisions of Section 228 of the Tamil Nadu District Municipalities Act or Section 124 of the District Board Act,



1920 or Section 77 of the Tamil Nadu Village Panchayats Act (Act X of 1950) as the case may be. Disposal of fishery rights otherwise than by lease shall be resorted to only under the circumstances mentioned in paragraph 2 below. The concession of lease without auction is not available to individuals. The lease should be given in the following order of preference:

- (i) Co-operative societies of fishermen or of Harijans engaged in fishing;*
- (ii) Panchayat of the locality;*
- (iii) Private individuals as determined by the results of public auction.”*

On a reading of the above RSO, it would be clear that an e-tender-cum-auction inviting the public at large can be resorted to only on finding that there are no Co-operative Societies of fishermen or Harijans engaged in fishing who are interested in taking the lease or the Panchayat of the locality. It is only thereafter that the e-tender-cum-auction could be called for. The learned Senior Counsel would therefore submit that the impugned e-tender-cum-auction notice is contrary to RSO 211 and thus, ought not to be proceeded with.

4. Learned Senior Counsel for the petitioner also brings to the notice of this Court the order passed in W.P.No.29619 of 2025, wherein the rights of the members of a Fishermen Co-operative Society have also been dealt with. Reliance was then placed on Clauses 54 and 56 of the lease deed, which read as follows:



“54. The LESSEE (1 & 2)' hereby agree and undertake that The Lessor reserves the right to terminate the lease administrative grounds including any Government's instruction with one month prior notice to the lessee (1 & 2) irrespective of the lease period.

.....

56. The Lessee (1&2) hereby agree to remit the subsequent years lease amount and other charges one month before completion of the current year lease period; if failed to remit the next year lease amount before commencement of next year lease period, agree to make payment of the annual lease amount within the next 60 (sixty) days period with interest of 12% per annum, for late remittance and not exceeding in three installments.”

5. Learned Senior Counsel would also place reliance on G.O.Ms.No.5, dated 30.01.2025, issued by the Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FS-6-1) Department, which, according to him, reiterates the position set out in RSO 211 with regard to the order of preference. The said Government Order sets out the priority for leasing of fishery rights and the manner in which the fishing rights are to be granted. The relevant portion of the said Government Order is extracted hereunder:

“1. Priority to Inland Fishermen/ Inland Fisherwomen Co-operative Societies/Adi Dravidars engaged in fishing activities.

To protect the livelihood of Inland co-operative societies comprised of Fishermen/Fisherwormen engaged in fishing, including Adi Dravidars engaged in fishing should be given priority for taking leasing of fishery rights of water body at the upset price level.



(b) The interested Inland Fishermen / Fisherwomen cooperative society / Adi Dravidars engaged in fishing should make an application for taking the lease on priority.

((c) If there are more than one Inland Fishermen / Fisherwomen Co-operative society engaged in fishing in a particular area and willing to avail the priority on lease, then 'Open Tender cum Auction' shall be conducted among the Co-operative societies."

6. It is the further submission of the learned Senior Counsel that apart from the rights of the petitioner-Co-operative Society, its members may also have individual rights as Adi Dravidars/Harijans in terms of RSO 211 as well as G.O.Ms.No.5, dated 30.01.2025, and therefore, the same may also be considered by the authorities.

7. Learned counsel appearing for the respondents, on the other hand, would submit that the respondents would comply with the order of preference in terms of RSO 211 before proceeding with the e-tender-cum-auction. Learned counsel would further submit that the request of the petitioner would be considered keeping in view RSO 211 and G.O.Ms.No.5, dated 30.01.2025.

8. Heard both sides and perused the materials available on record.

9. This Court does not propose to enter into or adjudicate upon the respective rights of the petitioner-Co-operative Society or its members at this



stage. The lease period is admittedly in subsistence and the learned Senior Counsel for the petitioner would place reliance upon Clauses 54 and 56 of the lease deed in support of his contention. It is also the submission of the learned counsel appearing on either side that RSO 211 provides for an order of preference in the matter of grant of fishery rights and that G.O.Ms.No.5, dated 30.01.2025, reiterates the position set out in RSO 211 with regard to such order of preference. The said Government Order also deals with the priority for leasing of fishery rights and the manner in which such rights are to be granted.

10. In light of the above, if, for any reason, the Co-operative Society is unable, unwilling or otherwise not in a position to pay the lease amount or to take the fishery rights on lease, it is always open to the members of the Co-operative Society to make an appropriate representation before the competent authority. If any such representation is made and reliance is placed upon the order passed by this Court in W.P.No.29619 of 2025, the same shall be considered on its own merits and in accordance with law. It is made clear that this Court has not expressed any opinion on the respective rights of the petitioner-Co-operative Society or its members. The respondents shall consider the request/representation of the petitioner, keeping in view the provisions of RSO 211 and G.O.Ms.No.5, dated 30.01.2025, as well as the rights claimed by the petitioner-Co-operative Society and the individual rights claimed by its members as Adi Dravidars/Harijans.



11. The aforesaid exercise shall be completed within a period of two weeks from the date of receipt of a web copy of this order, without waiting for a certified copy thereof. Until such exercise is completed, the e-tender-cum-auction process shall not be proceeded with. Further, considering the submission that now is the fishing season and the livelihood of the members is dependent upon the same, the petitioner shall deposit a sum of Rs.5,00,000/- with the authorities and on such deposit, petitioner shall be permitted to carry on with the fishing activities for a period of one week from the date of deposit. The respondents shall, in the meanwhile, consider and decide the respective claims of the petitioner-Co-operative Society and its members in their individual capacity as Adi Dravidars/Harijans, in accordance with RSO 211 and G.O.Ms.No.5, dated 30.01.2025. It is made clear that this Court has not expressed any opinion on the merits of the said claims.

12. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

SHK

07-08-2026



To

1. The Government of Tamilnadu,
Rep. by Secretary to Government,
Animal Husbandry, Dairying,
Fisheries and Fisherman Welfare (FS6) Department,
Fort St. George,
Chennai-600 009.
2. The Commissioner of Fisheries,
Nandanam,
Chennai-600 035.
3. The Deputy Director
Fisheries Department,
Bhavani Sagar.
4. Tamilnadu Fisheries Development corporation Limited,
rep. by its Managing Director,
No.571 4th floor, Anna Salai,
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MOHAMMED SHAFFIQ, J.

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