

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 25.06.2026

PRONOUNCED ON : 09.07.2026

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)Nos.5090 of 2020, 15296 of 2021, 7479 of 2023 and 7206 of 2026

and

W.M.P.(MD)No.5891 of 2026

W.P.(MD)No.5090 of 2020:

Kodaikanal Boat and Rowing Club,
Rep.by its Honorary Secretary,
VR Ramachandra Dorairaj,
Lake Road, Kodaikanal.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Municipal Administration
Water Supply Department,
Water Supply Department,
Chepak, Chennai.
- 3.The District Collector,
Dindigul District, Dindigul.



WEB COPY

4.The Tahsildar,
Kodaikanal,
Dindigul District.

5.The Assistant Director of Fisheries,
Dindigul.

6.The Commissioner,
Kodaikanal Municipality,
Dindigul.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to forthwith frame the rules and regulations with regard to the registration and licensing of the boats operated by the Private Boat Operators as well as Government Agencies as per G.O.Ms.No.105 dated 26.06.2009.

For Petitioner	: Mr.Sarath Chandran for Mr.Gopika Nambiar
For Respondents	: Mr.T.Gowthaman (R1 to R3) Additional Advocate General assisted by Mr.M.S.Parthiban Counsel for State Mr.T.S.Mohammed Mohideen (R4) Standing Counsel

W.P.(MD)No.15296 of 2021:

M/s.Kodaikanal Boat and Rowing Club,
Rep.by its Honorary Secretary,
Lake Road, Kodaikanal

... Petitioner

Vs.



WEB COPY

1.The Commissioner of Land Administration
Chepak, Chennai-600 005.

2.The District Collector,
Dindigul District, Dindigul.

3.The Commissioner,
Kodaikanal Municipality,
Kodaikanal.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent District Collector to renew the lease in favour of the petitioner Club in respect of the land to an extent of 0.08 acres classified as lake poramboke in Sy.No.234 of Kodaikanal Town and Taluk beyond the year 2022.

For Petitioner	: Mr.Isaac Mohanlal Senior Counsel for M/s.Isaac Chambers
For Respondents	: Mr.T.Gowthaman (R1 & R2) Additional Advocate General assisted by Mr.M.S.Parthiban Counsel for State Mr.T.S.Mohammed Mohideen (R3) Standing Counsel

W.P.(MD)No.7479 of 2023:

M/s.Kodaikanal Boat and Rowing Club,
Rep.by its Honorary Secretary,
Lake Road, Kodaikanal

... Petitioner

Vs.



WEB COPY

1. The Additional Chief Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St. George, Secretariat,
Chennai-600 009.

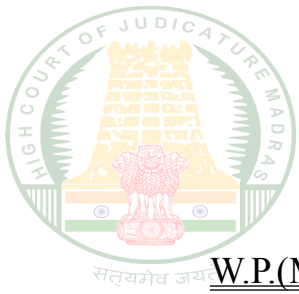
2. The Director of Municipal Administration
and Water Supply,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai-600 028.

3. The Commissioner,
Kodaikanal Municipality,
Kodaikanal.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider and pass orders on the representation of the petitioner dated 12.12.2022 as as to include the petitioner as an undertaking authority under the Kodaikanal Municipal Lake Boating (Regulations) By-Laws, 2022 within a time frame fixed by this Court.

For Petitioner	: Mr. Isaac Mohanlal Senior Counsel for M/s. Isaac Chambers
For Respondents	: Mr. T. Gowthaman (R1 & R2) Additional Advocate General assisted by Mr. M. S. Parthiban Counsel for State Mr. T. S. Mohammed Mohideen (R3) Standing Counsel



W.P.(MD)No.7206 of 2026:

WEB COPY

Kodaikanal Boat and Rowing Club,
Rep.by its Honorary Secretary,
Lake Road, Kodaikanal,
Dindigul District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration and Water
Supply (MAWS1) Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director of Municipal Administration,
75, Urban Administrative Building,
MRC Nagar, Santhome High Road,
Chennai.

3.The District Collector,
Dindigul District,
Dindigul.

4.The Commissioner,
Kodaikanal Municipality,
Kodaikanal.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the provisions of Rule 3(1) of the Kodaikanal Municipal Lake Boating (Regulation) Bye-laws, 2022 in G.O.(Ms)No.165, dated 16.11.2022 of the first respondent as manifestly arbitrary and violative of the provisions of Article 14 and 19 of the Constitution of India.



WEB COPY



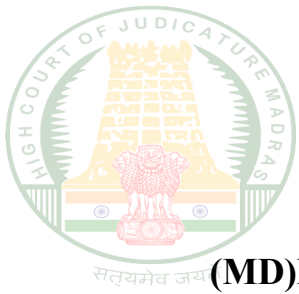
For Petitioner : Mr.Sarath Chandran
for Ms.Gopika Nambiar
For Respondents : Mr.T.Gowthaman (R1 to R3)
Additional Advocate General
assisted by Mr.M.S.Parthiban,
Counsel for the State
Mr.T.S.Mohammed Mohideen (R4)
Standing Counsel

COMMON ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

The issue involved in all these writ petitions are identical and hence, all these writ petitions are taken up together for final disposal by way of this common order.

2.The Kodaikanal Boat and Rowing Club filed; **W.P.(MD)No. 7206 of 2026** seeking a prayer to declare the provisions of Rule 3(1) of the Kodaikanal Municipal Lake Boating (Regulation) Bye-Laws, 2022 in G.O.Ms.No.165 dated 16.11.2022 of the first respondent as manifestly arbitrary and violative of the provisions of Article 14 and 19 of the Constitution of India; **W.P.(MD)No.5090 of 2020** to frame Rules and Regulations with regard to registration of licence of the boats operated by the Private Boat Operators as well as the Government Agencies; **W.P.**



WEB COPY

(MD)No.15296 of 2021 to execute lease agreement by renewing the lease of the Government land to an extent of 0.08 acres classified as lake poramboke in S.No.234 of Kodaikanal Town and Taluk in favour of Kodaikanal Boat and Rowing Club and **W.P.(MD)No.7479 of 2023** to consider the representation of the petitioner dated 12.12.2022 seeking to include the petitioner as an undertaking authority under the Kodaikanal Municipal Lake Boating (Regulations) Bye-Laws, 2022.

3.The brief facts leading to the filing of these writ petitions are as follows:

(i)The Kodaikanal Boat and Rowing Club is a registered Society established in the year 1890 by Henry Levinge, who was a former Collector of Madurai. In 1863, an existing swamp in Kodaikanal was transformed into a beautiful lake, which has become one of the major tourist attractions in Kodaikanal. A piece of land in Survey No. 234 was purchased from a private person, on which premises, present club was built in the year 1892 and that six cents of land is a private property of the club. It is also recognized by the Collector vide proceedings dated 08.04.1909. Besides, 8 cents of land in the same survey number was given on lease as per the proceedings dated



WEB COPY

08.04.1921 for a period of 49 years. On expiry of the said period, the lease was renewed on 03.09.1975 for a period of 49 years from 01.09.1970 vide proceedings dated 27.03.1974.

(ii) The management of the Club is vested in a Committee consisting of 15 members, who are elected annually by the General Body of the Club. The Collector of Madurai is the ex-officio Chairman and the Director of Tourism, Government of India is one of the Committee Members. The petitioner Club is also authorized by the Sports Development Authority of Tamil Nadu to conduct training, talent identification and talent development programs in the sport of rowing. Till 1951, the Kodaikanal Township was in charge of the Management of the lake. Thereafter, the Management of the Lake was vested with the Fisheries Department.

(iii) Later, there was a dispute between the Municipality and Fisheries Department as to the ownership of the lake from the year 1980. The Kodaikanal Municipality also levied license fee on the petitioner club, which was challenged in W.P.No.5985 of 1987. This Court by an order dated 30.01.1995 held that the Kodaikanal Municipality has no



WEB COPY

authority to demand and collect licence fee or any other fee or tax from the Club. The said order was confirmed in W.A.No.758 of 1995.

(iv)When the matter stood thus, on 26.06.2009, G.O.Ms.No.105 came to be issued to resolve the long standing dispute between the Kodaikanal Municipality and Fisheries Department. As per the said Government Order, the overall control of the Kodaikanal Lake was transferred to the Kodaikanal Municipality from the Fisheries Department and vest with the Kodaikanal Municipality under Section 125 (1) of the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as 'the Act').

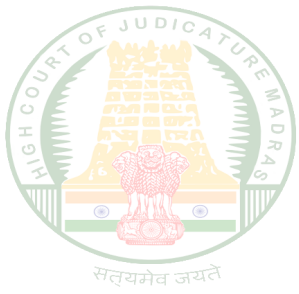
(v)The Fisheries Department was given rights in line with the provisions of G.O.(Ms)No.1123 dated 10.04.1970. As per the said Government Order, the registration and licensing were made mandatory for the boats operated by private boat operators as well as the Government agencies for fishing and boating in Kodaikanal Lake. The boating activities will be regulated by the Fisheries Department through registration and license issued by the Assistant Director, Fisheries, Dindigul and was renewed annually on payment as declared by the



WEB COPY

Government. The income derived from the registration and licensing of boats shall be shared between the Kodaikanal Municipality and Fisheries Department in the ratio of 90:10. The total number of boats permitted to operate on the Lake shall not exceed 258 at any given point of time. In pursuant to the aforesaid Government Order, the club was operating its boats after duly obtaining license.

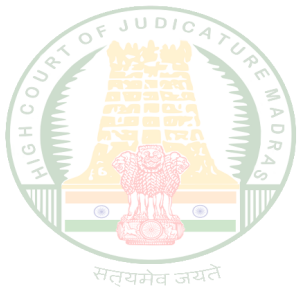
(vi) In the meantime, the petitioner filed W.P.(MD)No.5090 of 2020 seeking a direction to the respondent to notify the Kodaikanal Lake Boating Rules. This Court by an order dated 16.12.2021 directed the authorities to frame Rules. Pursuant to the said direction, the impugned Rules came to be passed. The said Rule is challenged before this Court on the ground that it is contrary to the conditions stipulated in the parent Government Order and ultra vires the said Government Order. It is further contended that the Rule has been framed without any enabling power and by excluding private operators altogether from the purview of eligibility for the grant of boating licences, it runs directly contrary to Clauses 7(iii) and 7(vi) of the parent Government Order.



WEB COPY

(vii) The present Government Order has been issued in exercise of powers conferred under Section 306 of Act, which clearly states that the Government may make by-laws not inconsistent with this Act or with any other law. G.O.Ms.No.105, the parent Government Order was issued in exercise of executive power within the meaning of Article 13 of the Constitution of India. Therefore, excluding the private operators, contrary to G.O.Ms.No.105 dated 26.06.2009, itself is violation and inconsistent.

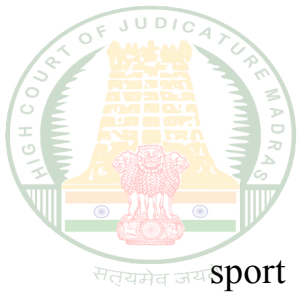
4.1. Counter has been filed admitting that G.O.Ms.No.105 dated 26.06.2009 was passed vesting the management of the Lake with Municipality and fishing rights with the Fisheries Department in line with the provisions of G.O.(Ms)No.1123, Agriculture Department, dated 10.04.1970 (Kodaikanal Fishing Rules, 1969). It is also admitted that the registration and licensing is made mandatory for the boats operated by private boat operators as well as the Government Agencies as per Rules to be framed by the Animal Husbandry Dairying and Fisheries Department in consultation with Municipal Administration and Water Supply Department for fishing and boating in Kodaikanal Lake.



WEB COPY

4.2.It is also stated that the impugned Government Order has modified the bylaws, wherein Rule 3 of the By-law clearly stipulates that the Municipality or Undertaking authority that for registration of boat, shall apply in Form I with necessary fee as specified in the Annexure appended to these by-laws to the competent authority for registration of boat to ply in the lake for pleasure trip. Hence, it is the contention that when the Rule excluded the private operation or private body, which is registered under the Societies Registration Act, the petitioner has no locus to maintain this writ petition. The registration of boat to ply in the lake for pleasure trip means the pleasure activities specifically for enjoyment, recreation or relaxation rather than for business or necessity. This pleasure activity or pleasure trip to be made by private boat club such as this petitioner for their member at free of cost and for public by collecting fee is a commercial activity and which do not fall within the meaning of sports and more particularly it is not the object of petitioner club.

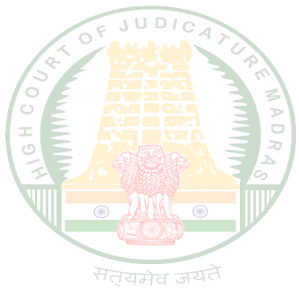
4.3.The club cannot hold commercial activity in the lake, which is vested with the local body. Collecting fee from the public by a private club cannot be brought within the meaning of entertainment or



WEB COPY

sport activity. The public lake now under the care and control of the Municipality cannot be given to a private club. If the public lake is allowed to be used by a private Society, then there should be a open tender call to allow all other public to make use of the lake for commercial activity.

4.4.As per Section 109-A of the Tamil Nadu Urban Local Bodies Act, no boating activity for entertainment shall be carried on, in any water body vested with any Municipality without registering the boats and obtaining licence in such a manner as may be specified in the bye-laws. On 10.09.222, a resolution was passed by the Municipality, whereby the Council authorised the municipality to give public notice to receive objections and advises from public with regard to boating regulations draft bye-laws, 2022, which was approved by the Kodaikanal Municipal Council on 12.08.2022. As no objection has been received by anyone, that By-laws have been accepted by the Government, therefore, the same cannot be questioned now. Further, the petitioner also cannot have extension of lease.



WEB COPY

5.1.The learned counsel appearing for the petitioners in all these writ petitions submitted that the by-laws presently in force cannot override the parent Government Order, namely G.O.Ms.No.105 dated 26.06.2009, issued under Section 125 of the Act. It was contended that Section 125 of the Act empowers the Government, by notification, to limit or define control over any public source of water supply and the adjoining public lands, or to assume administration thereof, after consulting the Municipal Council and giving due consideration to its objections, if any.

5.2.According to the learned counsel, the Government Order issued under the said provision constitutes a conditional arrangement, in which the Government has specifically defined the extent of control and fishing rights vested in the Fisheries Department consistent with G.O.Ms.No.1123 dated 10.04.1970. The Government Order further provides that boating activities in the lake shall be regulated by the Fisheries Department.

5.3.The parent Government Order also stipulates that registration and licensing shall be mandatory for all boats operated by



WEB COPY

private boat operators as well as Government agencies. Further, the Government Order makes it mandatory for all boat operators and agencies to obtain licences in accordance with the Rules framed by the Animal Husbandry and Fisheries Department, in consultation with the Municipality, for the purpose of regulating fishing and boating activities in the Kodaikanal Lake. Hence, it is the contention that the above said Government order is the source of power.

5.4. Section 306 of the Act, 1920 clearly shows that any by law cannot be inconsistent with the Act. The very by-law clearly shows that the competent authority is the Commissioner of Municipality and the Municipality can be the Licensor as well as the Licensee. According to the petitioners, such an arrangement is contrary to the principles embodied in Sections 151 and 152 of the Easements Act. At any event, the by-laws totally excluded to the private operators, which is contrary to the parent Government Order.

6. The learned counsel appearing on behalf of the Municipality submitted that the petitioner Club has no locus standi to maintain the present writ petition, as it has been operating the boat house for

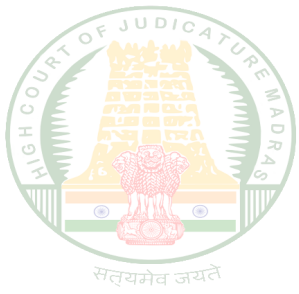


WEB COPY

commercial purposes and is attempting to monopolize the entire boating activity in the lake. If the petitioner is permitted, it will lead to others also to claim such right.

7.It was further contended that the power to regulate boating activities is vested in the Municipality under Section 109 of the Tamil Nadu Urban Local Bodies Act. Pursuant thereto, the Municipality has framed the relevant by-laws after inviting objections from the public. Since no objections were received during the prescribed period, the validity of the by-laws cannot now be challenged.

8.The learned Additional Advocate General also submitted that the entire lake was vested with the Municipality as per the parent Government Order. Therefore, the petitioner Club cannot dictate to the Government or the Municipality the manner in which boating activities are to be regulated or administered. It was argued that the private operators have now been excluded and it is the exclusive prerogative of the Government and the Municipality to decide whether licences should be granted and to whom they should be issued.



WEB COPY

9.The learned Additional Advocate General also contended that the petitioner Society cannot, as a matter of right, seek a direction from this Court for the grant of a licence or for the extension or renewal of any lease in its favour. Any such permission or licence is subject to the discretion of the competent authority and cannot be claimed as an enforceable legal entitlement.

10.Heard the learned counsel appearing on either side and perused the materials placed on record.

11.Though the writ petitions are clubbed together, we propose to treat W.P.(MD) No.7206 of 2026, which challenges the validity of Rule 3(3) of the Kodaikanal Municipal Lake Boating (Regulation) Bye-laws, 2022, framed vide G.O.(Ms) No.165 dated 16.11.2022, as the lead writ petition. This is because the reliefs sought in the other two writ petitions are consequential in nature and are ultimately subject to the outcome of the main writ petition.

12.It is not in dispute that the Kodaikanal Boat and Rowing Club is a registered Society in the year 1890 and the club was founded by



WEB COPY

the then Collector of Madurai. It is also not disputed that the Club building was constructed in the year 1892 on the land purchased by the Society. Further, by proceedings dated 08.04.1909, the Collector of Madurai recognised the said property to an extent of 6 cents in Survey No.234, on which the Club building stands, constitutes the private property of the Club. Besides, another 8 cents was leased out to the club as early as on 08.04.1921 for a period of 49 years. On expiry of the said period on 03.09.1975, further extension for another period of 49 years was granted from 01.09.1970. These facts pleaded in the affidavit filed in support of this petition, are not disputed in the counter filed by the respondents.

13.Now the challenge is made only with regard to the by-laws made under the Government Order in G.O.(Ms) No.165 dated 16.11.2022, which is impugned before this Court.

14.Initially, the overall control of the Lake was with the Fisheries Department by virtue of G.O.Ms.No.2063, Development Department dated 09.05.1951 and G.O.Ms.No.2034, Food and Agriculture Department, dated 07.06.1962. Later by virtue of the power



WEB COPY

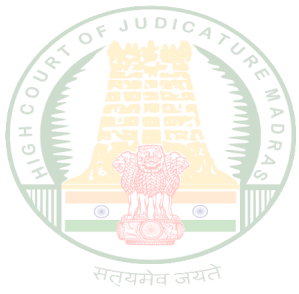
conferred under Section 125(1) of the Act, the overall control of the Kodaikanal Lake was transferred to the Kodaikanal Municipality from the Fisheries Department by virtue of G.O.Ms.No.105 dated 26.06.2009.

15. For proper appreciation of the issue, it is useful to refer to Section 125 of the District Municipalities Act, which reads as follows:

“125. Vesting of works in Municipal Councils .— (1) All public watercourses and springs and all public reservoirs, tanks, cisterns, fountains, wells, stand-pipes, and other water-works existing at the time of the coming into force of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the Municipal Council or otherwise, and also any adjacent land (not being private property) appertaining thereto shall vest in the Council and be subject to its control :

1 [Provided that nothing contained in this section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.]

(2) The 2 [State Government] may, by notification, limit or define such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the Municipal Council and giving due regard to its objections, if any.



WEB COPY

16.The above said provision makes it very clear that by issuing a Government order under Section 125 of the Act, the State Government may limit or define the control in the lake.

17.G.O.Ms.No.105, was mainly passed based on the recommendations of the Sub-Committee, vesting overall control of the lake to the Municipality to sort out the disputes between the Fisheries Department and Kodaikanal Municipality. The relevant portion of the said Government Order is extracted below for ready reference:

“6.Based on the recommendations of the Sub-Committee, a follow-up meeting was held on 24.4.2009 under the Chairmanship of the Secretary to Government, Animal Husbandry, Dairying and Fisheries Department with the Commissioner of Fisheries, Director of Municipal Administration and other officials concerned and the following decisions were taken at the meeting:-

- (i) to issue suitable Government orders and notification for transfer of overall control of Kodaikanal lake to the Kodaikanal Municipality from the Fisheries Department as per Section 125 (1) of the Tamil Nadu District Municipalities Act, 1920.*
- (ii) the fishing rights will continue to be with the Fisheries Department in line with the provisions of the G.O.(Ms)No.*



1123, Agriculture Department, dated 10.4.1970 (Kodaikanal Fishing Rules 1969). As fishing related activities will be affected by the movement of boats, it was decided not to allow any kind of motorized boats. The boating activities will be regulated by the Fisheries Department through registration and licenses issued by the Assistant Director, Fisheries, Dindigul and renewed annually on the payment as decided by the Government.

- (iii) *the registration and licensing will be made mandatory for the boats operated by private boat operators as well as the Government Agencies as per the rules to be framed especially for fishing and boating in Kodaikanal lake.*
- (iv) *The income derived from registration and licensing of boats will be shared between the Kodaikanal Municipality and the Fisheries on 90:10 ratio (as the Municipality will have to maintain the lake and its surrounding areas, which can be met from the income of this activity)*
- (v) *the income derived from registration and licensing of boats will be utilized for developmental activities such as development and maintenance of roads, drains, lights, waste management, parks, beautification, water supply, sanitation and related activities in and around the lake by the Kodaikanal Municipality.*
- (vi) *A Committee under the Chairmanship of the District Collector will be formed for the monitoring and supervision of registration and licensing of boats, regularization of boating and safety measures and also utilization of funds for various developmental activities and maintenance works in and*



around the lake. The proposed Committee may comprise of the following members:

- a) Chairman - Kodaikanal Municipality*
- b) Commissioner - Kodaikanal Municipality*
- c) Assistant Director- Fisheries Department*

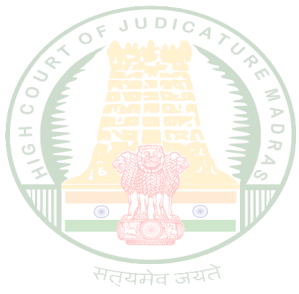
Dindigul.

d) Any other technical members co-opted by the Collector to address specific issues.

- (vii) it has also been decided that the boat strength shall not exceed 258 at any cost and the existing boat strength of 284 will be reduced to 258.*
- (viii) the Municipal Administration and Water Supply Department will initiate action for issuing orders for the transfer of control of Kodaikanal lake from the Fisheries Department to the Kodaikanal Municipality in consultation with Animal Husbandry, Dairying and Fisheries Department. After the issue of Government orders as mentioned above, action will be taken to notify the same in the Government Gazette.*
- (ix) Animal Husbandry, Dairying, and Fisheries Department will initiate action to frame draft rules for fishing and boating in consultation with Municipal Administration and Water Supply Department.*

7. In the circumstances, the Government after careful considerations have decided to accept the decisions arrived at in para 6 above, based on the recommendations of the Sub-committee and direct that:-

- (i) in supersession of the orders issued in G.O.(Ms) No.2063, Development department dated 9.5.1951 and G.O.(Ms) No.*



WEB COPY



2034 Food and Agriculture Department dated 7.6.1962, the overall control of the Kodaikanal lake in Survey Ward B, Block 30, T.S. No.3, R.S.No.234 is transferred to the Kodaikanal Municipality from the Fisheries Department as per section 125 (1) of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920).

- (ii) the fishing rights will continue to be with the Fisheries Department in line with the provisions of the G.O.(Ms) No. 1123, Agriculture Department, dated 10.4.1970 (Kodaikanal Fishing Rules 1969). As fishing related activities will be affected by the movement of boats, any kind of motorized boats shall not be allowed. The boating activities will be regulated by the Fisheries Department through registration and licenses issued by the Assistant Director, Fisheries, Dindigul and renewed annually on the payment as decided by the Government.*
- (iii) the registration and licensing is made mandatory for the boats operated by private boat operators as well as the Government Agencies as per the rules to be framed by Animal Husbandry Dairying and Fisheries Department in consultation with Municipal Administration and Water Supply Department for fishing and boating in Kodaikanal lake.*
- (iv) The income derived from registration and licensing of boats shall be shared between the Kodaikanal Municipality and the Fisheries Department on 90:10 ratio and that will be utilized for developmental activities such as development and maintenance of roads, drains, lights, waste management, parks,*



beautification, water supply, sanitation and related activities in and around the lake by the Kodaikanal Municipality.

- (v) *A Committee under the Chairmanship of the District Collector is formed with the following members for the monitoring and supervision of registration and licensing of boats, regularization of boating and safety measures and also utilization of funds for various developmental activities and maintenance works in and around the lake.*

- (1) Chairman - Kodaikanal Municipality*
- (2) Commissioner - Kodaikanal Municipality*
- (3) Assistant Director - Fisheries Department Dindigul.*
- (4) Any other technical members co-opted by the Collector to address specific issues.*

- (vi) *the boat strength shall not exceed 258 at any cost and the existing boat strength of 284 is reduced to 258.”*

18.A careful perusal of the above Government Order makes it clear that entire exercise has taken place in pursuant to the power vested under Section 125 of Act. Clause 6(ii) of the impugned Government Order provides that, while the overall control and management of the Lake is vested in the Municipality, the boating activities shall be regulated by the Fisheries Department through the registration and licensing of boats by the Assistant Director of Fisheries, Dindigul. Such



WEB COPY

licences are required to be renewed annually on payment of fee as may be prescribed by the Government.

19.Clause 6 (iii) of the impugned Government Order shows that licensing will be made mandatory for the boats operated by the private boat operators as well as the Government Agencies as per the Rules to be framed, especially for fishing and boating in Kodaikanal Lake. It is also restricted that the boat strength shall not exceed 258 at any costs and the existing boat strength of 284 will be reduced to 258.

20.Further, Clause 6 (ix) of the Government Order provides that the Animal Husbandry, Dairying and Fisheries Department will initiate action to frame draft rules for fishing and boating in consultation with Municipal Administration and Water Supply Department.

21.The Government has accepted the recommendations of the Sub Committee and held that the fishing rights will be continued with the Fisheries Department in line with G.O.Ms.No.1123, Agriculture Department, dated 10.04.1970. Sub Clause 7 (iii) of the impugned Government Order stipulates that registration and licensing is made

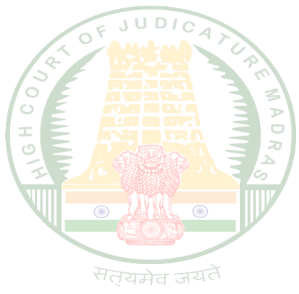


WEB COPY

mandatory for the boats operated by the private boat operators as well as the Government Agencies as per the rules to be framed by the Animal Husbandry and Dairying and Fisheries Department in consultation with Municipal Administration and Water Supply Department for fishing and boating in Kodaikanal lake.

22.Clause 9 of the Government Order directs that Animal Husbandry and Fisheries Department to initiate action to frame the draft rules for fishing and boating in Kodaikanal Lake in consultation with Municipal Administration and Water Supply Department.

23.Thus, while vesting the overall control and management of the Lake in the Municipality, the Government has expressly defined and limited the scope of such control. In particular, the fishing rights have been retained by the Fisheries Department, and the power to register and license boats operating in the Kodaikanal Lake has been specifically entrusted to the Animal Husbandry, Dairying and Fisheries Department, in consultation with the Municipal Administration and Water Supply Department, for the purpose of regulating fishing and boating activities in the Lake.

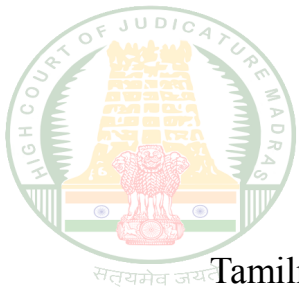


WEB COPY

24.G.O.Ms.No.105, which is a source for framing by-laws clearly provides for operation of boats by the private boat operators. Once a notification is issued under Section 125 of the Act, it assumes the character of conditional legislation and constitutes the very source of power. Consequently, any Bye-law framed pursuant thereto cannot be inconsistent with or depart from the same.

25.However, now the by-laws, vide G.O.Ms.No.165, which is impugned herein, have been issued under Section 310 (1) of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) amended by the Tamil Nadu District Municipalities (Amendment) Act, 2021 (Tamil Nadu Act 34 of 2021), empowers the Council of Kodaikanal Municipality to make by-laws for boating activities within the limits of Municipality with effect from 13.10.2021.

26.The definition clause in the by-laws provides that 'the competent authority' means the Commissioner of Kodaikanal Municipality and 'the undertaking authority' means the Tamil Nadu Tourism Development Corporation functioning under the Government of

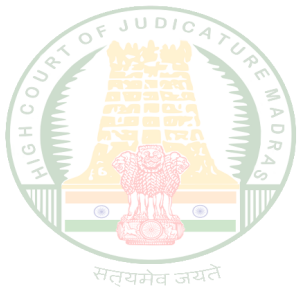


WEB COPY

Tamilnadu, and the 'fitness certificate' means a certificate issued in Form-VI by the Competent Authority.

27. Para 3 of the by-laws shows that the Municipality or undertaking authority shall apply in Form-I with necessary fee as specified in the Annexure appended to these by-laws, to the competent authority for registration of boat to ply in the lake for pleasure trip. Provided that the Municipality or undertaking authority shall apply immediately within 30 days to the competent authority for registration of boats.

28. The above provision makes it clear that even the Municipality is entitled to apply for registration before the competent authority. As per the definition clause, the “competent authority” is none other than the Commissioner of the Kodaikanal Municipality. The requirement of the Municipality obtaining permission from its own Commissioner, who is designated as the competent authority, appears to be a logical inconsistency.



WEB COPY

29. Further, the undertaking authority defined in the definition clause is the Tamil Nadu Tourism Development Corporation functioning under the Government of Tamil Nadu. The by-laws have empowered the boating activities only either by the Municipality or Tamil Nadu Tourism Development Corporation. It is relevant to note that these by-laws have been passed under Section 306 of the Act. Section 306 of the Act reads as if the power of council to make by-laws not inconsistent with this Act or with any other law to provide. Therefore, any Bye-laws framed under the said provision must necessarily be consistent with the Act.

30. It is relevant to note that the impugned Bye-laws completely exclude private operators from the scope of boating activities. However, the original Government Order makes it clear that registration and licensing are mandatory for both private operators as well as Government agencies.

31. G.O.(Ms) No.105, which vests the overall control of the Lake in the Kodaikanal Municipality, has been issued under Section 125 of the Tamil Nadu District Municipalities Act, 1920. Sub-section (2) of Section 125 empowers the State Government to define and limit such



WEB COPY

control. While the Government Order entrusts the overall control of the Lake to the Municipality, it also imposes specific restrictions, such as retaining fishing rights and regulating boating activities through the concerned departments. Importantly, it contemplates the participation of both private boat operators and Government agencies, subject to regulation through registration and licensing.

32. Once the Government Order has been issued under Section 125 of the Act, it assumes the character of a conditional legislation as defined under Article 13 of the Constitution of India. Therefore, any Bye-laws framed thereunder must necessarily conform to the conditions stipulated in the parent Government Order. Any provision in the Bye-laws which is contrary to or inconsistent with the earlier Government Order, which permits participation of private operators as well, cannot be sustained in law.

33. The parent Government Order constitutes the very source of power for the Municipality. The authority of the Municipality is defined and circumscribed by Section 125(2) of the Act. Consequently, the Bye-laws framed in exercise of such power must remain within the limits so



WEB COPY

prescribed. Excluding private operators altogether, contrary to the scheme of the Government Order, is in clear contravention of the original Government Order and is therefore unsustainable in the eye of law.

34.It is also stated that the Boat Club is recognised by the Sports Development Authority of Tamil Nadu for conducting rowing activities in the sport of rowing in the State. This Court, in W.P.(MD) No. 5090 of 2020, while disposing of the writ petition, has observed that the rules to be framed must take into consideration both the Club as well as the Municipality. Therefore, when the original source of power itself permits private operators to apply for licence, the subsequent Bye-laws, which is totally inconsistent with the earlier Government Order, cannot be sustained in the eye of law.

35.Further, it is relevant to note that the Boat Club was established as early as in the year 1890 and has been continuously operating boating activities. The Government has also recognised its activities and has extended the lease from time to time from 1921 onwards. The lease was given originally for a period of 49 years from 08.04.1921. On expiry, it was again renewed on 03.09.1975 for a further

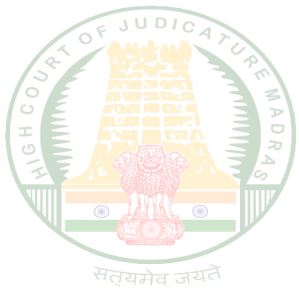


WEB COPY

period of 49 years from 01.09.1970. Therefore, it is only in recent times that the lease has expired and the impugned order has been passed.

36. In view of the long-standing operation of the Club, the petitioner had a legitimate expectation to continue its activities, subject of course to regulatory control. While the Club cannot claim exclusivity or monopoly over boating activities, it can legitimately expect that it would not be excluded from consideration for grant of licence under the regulatory framework.

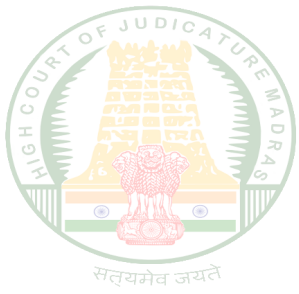
37. The records further indicate that on 12.12.1969, the Township of Kodaikanal granted Rs.5,000/- to the Boat Club as grant for maintenance for the year 1969-70 in G.O.Ms.No.1825, RD & IA, dated 25.09.1969. Continuously such grant was extended for carrying out works in the lake as per the proceedings in Roc.No.7017/6A-E, dated 30.04.1970. The Government of India, Ministry of Tourism and Civil Aviation, Department of Tourism by proceedings No.8-TPL.II (3)/70 dated 02.05.1973, given a sum of Rs.60,000/- as grant in aid to the club for construction of the Tourist Lounge.



WEB COPY

38. Similarly, by proceedings No.8 TPL-II(3) /70-Tourism dated 17.05.1976 grant in aid of Rs.36,000/- was given by the Government. The Government of Tamil Nadu Department of Tourism, vide proceedings dated 12.06.1978 permitted the club to levy the daily membership subscription not exceeding Rs.1/- per day to the Indian/Foreign tourists coming to the Kodaikanal. Again, on 02.01.1979, by proceedings No.8-TPL.II (3)/70-Tourism, dated 02.01.1979, sanctioned the permitted daily membership not exceeding Rs.1.50 per day.

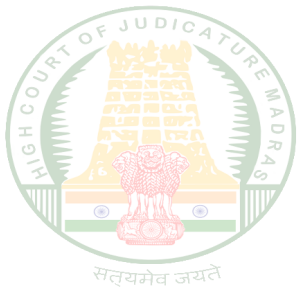
39. Later agreement of lease dated 26.10.2009 between Rowing Federation of India, Tamil Nadu Amateur Rowing Association and Kodaikanal Boat Club came to be executed. The letter in R.C.No.MS Office No.25/2023 dated 17.04.2024, the Sports Development Authority of Tamil Nadu granted authorisation to the Kodaikanal Boat and Rowing Club for a period of three years from 16.04.2024 to 15.04.2027 to the purpose of development of the sport of Rowing and other water sports through High Altitude Training Programme and Talent Identification and Talent Development within the state of Tamil Nadu in coordination with SDAT.



WEB COPY

40. The materials placed on record clearly establish that the Boat Club was established long back and has been continuously operating boating activities for several decades. Originally, G.O.(Ms) No. 105 vested the overall control of the Kodaikanal Lake in the Municipality and also contemplated the participation of private operators. Therefore, when the Club has been exercising its rights all along, it cannot be excluded altogether from consideration.

41. In view of the above, we are of the considered view that the impugned Bye-laws, being contrary to G.O.(Ms) No.105, which is the source of power to the Municipality, cannot be sustained in the eye of law. Accordingly, Bye-law 3(1) is quashed and **W.P.(MD)No.7206 of 2026 stands allowed.** The authorities are directed to frame fresh Bye-laws in consultation with the Animal Husbandry, Dairying and Fisheries Department, as contemplated in G.O.(Ms) No.105, permitting participation of private boat clubs also, subject to appropriate restrictions, licence fee and such other conditions as may be imposed by the competent authority.



WEB COPY

42.The private boat club shall also be permitted to operate boats for sports activities. However, the number of boats that may be operated by private clubs can be regulated and capped by the authorities. The contention that the Club is operating 74 boats does not confer any vested right to continue the same number of boats. It is open to the authorities, while framing fresh Bye-laws, to impose appropriate restrictions on the number of boats and to grant permission to the Boat Club to operate only such number of boats as may be determined, subject to payment of requisite licence fee and compliance with regulatory conditions.

43.Since Rule 3(1) of the Bye-laws has been set aside, **W.P. (MD) No.5090 of 2026 has become infructuous**, and no further orders are required to be passed therein.

44.The overall control of the Lake continues to vest with the Municipality under G.O.(Ms) No.105. However, the petitioner cannot, as a matter of right, seek extension of the lease period. At best, the petitioner may have a legitimate expectation that its case will be considered in accordance with the new Bye-laws to be framed by the



WEB COPY

authorities, permitting participation of private boat clubs subject to regulatory conditions. Accordingly, W.P.(MD)Nos.15296 of 2021 and 7479 of 2023 are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
09.07.2026

Index :Yes/No
Internet :Yes
ta

To

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Municipal Administration
Water Supply Department,
Water Supply Department,
Chepak, Chennai.
- 3.The District Collector,
Dindigul District, Dindigul.
- 4.The Tahsildar,
Kodaikanal,
Dindigul District.
- 5.The Assistant Director of Fisheries,
Dindigul.



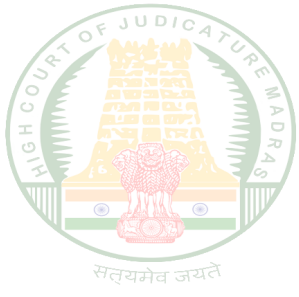
WEB COPY

6. The Commissioner,
Kodaikanal Municipality,
Dindigul.

7. The Commissioner of Land Administration
Chepak, Chennai-600 005.

8. The Additional Chief Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St. George, Secretariat,
Chennai-600 009.

9. The Director of Municipal Administration
and Water Supply,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai-600 028.



WEB COPY



**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

ta

Pre-delivery order made in

W.P.(MD)Nos.5090 of 2020,
15296 of 2021, 7479 of 2023
and 7206 of 2026

09.07.2026