

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

Writ Petition No.4683 of 2015
and
M.P.No.1 of 2015

- 1.R.Raja
- 2.Vediappan
- 3.T.D.Senthilkumar
- 4.Mahalingam
- 5.Iyappan

... Petitioners

Vs.

- 1.The Assistant Director of Fisheries,
(Inland Fishing),
Bharathy Nagar,
Krishnagiri.
- 2.The Executive Engineer,
Public Works Department (WRO),
Melpennaiyaru Vadinilakottam,
Dharmapuri - 5.
- 3.FMR.1, Kaveripattinam Paruvatha
Rajakula Fishermen - Cooperative Society,
Penneswaramadam Post,
Kaveripattinam Via,
Krishnagiri Taluk & District,
Rep. By its President.

- 4.R.Murugesan

- 5.K.Panchali
- 6.N.Chinnasamy
- 7.D.Munirathinam
- 8.G.Santhosh
- 9.G.Mallika
- 10.G.Gopal
- 11.Ramachandran
- 12.G.Duraisamy
- 13.R.Murugan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents 1 to 3 from permitting the respondents 4 to 13 from fishing in Thimmapuram Lake situated under the jurisdiction of the third respondent and direct the respondents 1 to 3 to conduct public auction among the members of the third respondent society.

For Petitioner : Mrs.R.Varalakshmi

For RR1 & 2 : M/s.R.Bala Ramesh,
Additional Government Pleader

For R.3 : Mr.M.S.Palaniswamy

For RR4 to 13 : Mr.S.Kamadevan

ORDER

The petitioner has come before this Court, seeking to forbear the respondents 1 to 3 from permitting the respondents 4 to 13 from fishing in Thimmapuram Lake, situated under the jurisdiction of the third respondent and direct the respondents 1 to 3 to conduct public auction among the members of the third respondent society.

2.The petitioners contend that they are the members of the third respondent co-operative society. Thimmapuram Lake is under the control of the second respondent. The total extent of the catchment area of the above lake is about 350 acres. The first respondent requested the second respondent to grant fishing right to the third respondent Society for a period of five years from 2013-2014 to 2017-2018. The third respondent society is only for the benefit and welfare of the Inland Fishermen Community. There are nearly 2343 members in the above society.

3.As per G.O.Ms.No.332, fishing right in the lake should be leased out to the Co-operative societies dealing with the fishing activities. As soon as the right of fishing is granted to the Society, the society is required to conduct auction for giving fishing right and the group which gives highest bid will be granted the fishing right. However, the third respondent, without following the procedure and without conducting public auction, granted fishing right to the respondents 4 to 13 for a meager amount. Hence, the petitioners made a representation to the respondents 1 to 3 either to grant them fishing right in the lake or to conduct public auction. Since, no orders were passed, the petitioners filed W.P.No.34009 of 2014 which was disposed of by this Court on 19.12.2014, directing the respondents 1 to 3 herein to consider and pass orders on the petitioners' representation dated 01.12.2014. But, so far, no action

has been taken by the respondents 1 to 3 and therefore, the petitioners are before this Court with this writ petition.

4.Heard Mrs.R.Varalakshmi, learned counsel for the petitioners; Mr.R.Bala Ramesh, learned Additional Government Pleader appearing for the respondents 1 and 2; Mr.M.S.Palaniswamy, learned counsel for the third respondent and Mr.S.Kamadevan, learned counsel for the respondents 4 to 13.

5.Though, it is stated by the learned counsel for the petitioners that inspite of the order passed by this Court in W.P.No.34009 of 2014 dated 19.12.2014, the respondents 1 to 3 have not disposed of the representation given by the petitioners dated 01.12.2014, Mr.Bala Ramesh, learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that order has been passed on the representation of the petitioner dated 01.12.2014 on 31.03.2015 itself and the same has been served upon the petitioners also. However, the learned counsel for the petitioners would dispute the same.

6.In view of the above, the writ petition is disposed of with a direction to the third respondent to furnish a copy of the above order dated 31.03.2015 to the petitioners, within a period of two weeks from the date of receipt of a copy of this order and the petitioner is at liberty to assail the said order by way of filing revision before the first respondent under the Tamil Nadu Co-operative Societies Act and if any such revision is filed by the petitioner, the first respondent is directed to dispose of the same after giving opportunity to the parties concerned, within a period of six weeks from the date of filing of such revision. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Assistant Director of Fisheries,
(Inland Fishing),
Bharathy Nagar,
Krishnagiri.

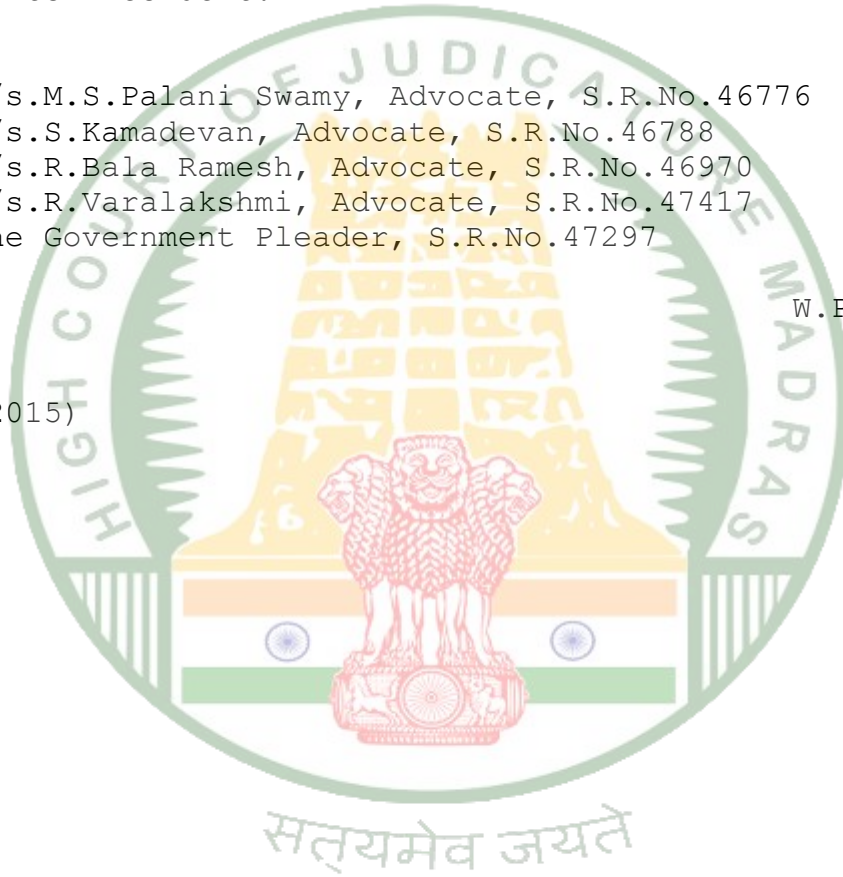
2.The Executive Engineer,
Public Works Department (WRO),
Melpennaiyaru Vadinilakottam,
Dharmapuri - 5.

3.FMR.1, Kaveripattinam Paruvatha
Rajakula Fishermen - Cooperative Society,
Penneswaramadam Post,
Kaveripattinam Via,
Krishnagiri Taluk & District,
Rep. By its President.

+1cc to M/s.M.S.Palani Swamy, Advocate, S.R.No.46776
+1cc to M/s.S.Kamadevan, Advocate, S.R.No.46788
+1cc to M/s.R.Bala Ramesh, Advocate, S.R.No.46970
+1cc to M/s.R.Varalakshmi, Advocate, S.R.No.47417
+1cc to the Government Pleader, S.R.No.47297

W.P.No.4683 of 2015

PPA (CO)
CA (22/09/2015)



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