

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.06.2016

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20358/2016 & WMP.No.17478/2016

Chettypetty Fishermen
Cooperative Society [FMR NO.19]
Sankgiri [TK]
Salem District
rep.by its President R.Ramachandran

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Petitioner

Versus

- 1.The District Collector
Salem District.
- 2.The Assistant Director of Fisheries
Salem District.
- 3.The Executive Engineer,
Public Works Department
Mettur Taluk, Salem District.
- 4.The Executive Officer
Arasiramani Town Panchayat
Arasiramani Village, Kullampatti [Post]
Sankari [Taluk], Salem District 637 101. ...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents herein to grant the lease to the petitioner society with respect the fishing rights in the 3 tanks, viz., Kullampatti Eri, Ponnusamuthiram Eri, Nachampatti Eri, stiuatue in Arasi Ramani Gramam, Mettur East Canal Division, Salem District by giving first preference as a lease amount to be fixed by the 1st and 2nd respondent in accordance with Revenue Board Standing Order 211 and G.O.Ms.No.332 Animal Husbandry and Fisheries Department dated 17.11.1993 for the year 2016-2017.

For Petitioner : Mrs.Dakshayani Reddy
for M/s.K.H.Ravikumar

For RR 1 to 3 : Mr.S.Pattabiraman, GA

For R4 : Mr.P.Chinnadurai, GA

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims to be a registered Society with Registration No.FMR 19 and according to him, in respect of the fishing rights relating to the tanks owned by the Public Works Department, they are having priority in the light of the Revenue Standing Order 211 and G.O.Ms.No.332, Animal Husbandry and Fisheries [FS IV] Department, dated 17.11.1993. The grievance expressed by the petitioner is that in respect of the three tanks, viz., Kullampatti Tank [Eri], Ponnusamuthiram Tank [Eri] and Nachampatti Tank [Eri], situated at Arasiramani Village, Mettur East Canal Division, Salem District, they are having fishing rights in the light of the above Standing Order as well as the Government Order and overlooking the same, the 4th respondent is trying to auction the fishing rights in favour of some private persons and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Mrs.Dakshayani Reddy, learned counsel appearing for the petitioner would submit that subsequent to the filing of the present writ petition, the 4th respondent has called for Tender-cum-Auction in respect of Kullampatti Tank [Eri], by means of a Notification dated 08.06.2016 in Na.Ka.No.10/2016, fixing the date of auction on 16.06.2016 at 11.30 a.m. and prays for appropriate orders to protect the interest of the petitioner's society.

4 Mr.S.Pattabiraman, learned Government Advocate accepts notice on behalf of the respondents 1 to 3 and Mr.P.Chinnadurai, learned Government Advocate, who accepts notice on behalf of the 4th respondent seeks time to get instructions and insofar as the Notification issued by the 4th respondent dated 08.06.2016, it is the submission of the learned Government Advocate that the petitioner should challenge the said Notification in the manner known to law.

5 This Court considered the rival submissions and also perused the materials placed before it.

6 It is the categorical claim of the petitioner / Society that by virtue of the Revenue Standing Order 211 coupled with G.O.Ms.No.332, Animal Husbandry and Fisheries [FS-IV] Department, dated 17.11.1993, they are having priority in fishing rights in respect of the three tanks, viz., Kullampatti, Ponnusamuthiram and Nachampatti and insofar as Kullampatti Tank is concerned, an Auction Notification dated 08.06.2016 has already been issued. In the considered opinion of the Court, if the petitioner is having any grievance if any, with the said Notification, it is open to the petitioner / Society to challenge the same in the manner known to law. Insofar as the remaining two tanks, viz., Ponnusamuthiram and Nachampatti Tanks, are concerned, the apprehension expressed by the petitioner is that the fishing rights in respect of those two tanks are also likely to be auctioned and therefore, prays for

appropriate orders, directing the 3rd respondent to consider and dispose of their representations dated 01.06.2016 and 09.06.2016 and till then, the further decision may be deferred.

7 This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to consider and dispose of the petitioner's representations dated 01.06.2016 and 09.06.2016 on merits and in accordance with law, after taking note of the Revenue Standing Order 211 and G.O.Ms.No.332, Animal Husbandry and Fisheries [FS-IV] Department, dated 17.11.1993 and pass orders within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the 3rd respondent is directed to defer further decision to go for tender-cum-auction in respect of Ponnusamuthiram and Nachamapatti Tanks/Eri. Insofar as the Tender-cum-Auction proceedings relating to Kullampatti Tank, the petitioner is at liberty to challenge the Notification dated 08.06.2016 in accordance with law, if so advised, before the competent Forum.

8 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/
Sub Asst. Registrar

AP

To

- 1.The District Collector
Salem District.
- 2.The Assistant Director of Fisheries
Salem District.
- 3.The Executive Engineer,
Public Works Department
Mettur Taluk, Salem District.
- 4.The Executive Officer
Arasiramani Town Panchayat
Arasiramani Village, Kullampatti [Post]
Sankari [Taluk], Salem District 637 101.

- 1 cc to M/s.K.H. Ravikumar, Sr.33050
1 cc to M/s.P. Chinna durai, SR. 33184
1 cc to Government Pleader, Sr. 33282

W.P.No.20358/2016

SNS (CO)