

W.M.P.Nos.2380 and 2384 of 2016 and M.P.Nos.2(2) of 2015 in
W.P.Nos.33614 and 35581 of 2015

T.S. SIVAGNANAM,J.

The controversy in the writ petitions relates to the fishing rights as to whether the right granted to the Panchayat to rear fish in the irrigation tank in Semur in Namakkal District is proper and in consonance with G.O.Ms.No.332 dated 17-11-1993.

2. Since pleadings have not been completed, the learned counsel appearing for the parties seek some time to make their submissions in the matter. It is pointed out by the learned counsel appearing for the fourth respondent that the Panchayat was allotted the fishing rights and they have invested Panchayat funds and the fishes are being reared in the pond and they are in various stages of harvest and the water level in the pond is also dropping and on account of the interim orders granted by this Court, the Panchayat is unable to carry the operation and it will not only cause financial loss to the Panchayat but will also be against public interest.

3. The first issue raised in the writ petitions is as to whether the right granted to the Panchayat to rear fish in the said tank is proper and in consonance with G.O.Ms.No.332 dated 17-11-1993. The other issue would

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be whether the said right should have been granted to the fourth respondent or fifth respondent-Panchayat. These issues can be decided at the time when the writ petitions are heard finally.

4. However, in order to ensure that the funds of the Panchayat do not get wasted, this Court is inclined to issue the following interim direction:

"As on date, it is not in dispute that the fourth respondent has invested funds for rearing the fish in the said pond. Therefore, till the final orders are passed in the writ petitions, the fourth respondent shall be permitted to carry on fishing operation in the said tank and whatever fish, which is caught from the pond shall be sold for the best price under the strict supervision of the third respondent. The sale price, which is realized shall be retained by the third respondent in a separate account and after entire fishing operations are over, the third respondent shall file a report as to the turn of events."

5. The miscellaneous petitions are closed, accordingly.

17-02-2016

Note: Issue order copy on 18-02-2016
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