

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33176 of 2016 &
W.M.P.Nos.28700 & 28701 of 2016

Sulur Meenavargal Kutturuvu Sangam,
Rep. by its President Mr.S.A.Arumugam,
No.7/3, Karuppan Street,
Sulur, Coimbatore. ... Petitioner

Versus

- 1.The Government of Tamil Nadu,
Animal Husbandry,
Dairying and Fisheries Department,
Rep. by its Secretary,
St.George Fort, Chennai.
- 2.The District Collector,
O/o.The District Collector,
Coimbatore.
- 3.The Executive Engineer,
Public Welfare Department,
Bhavanisagar, Anaikottam,
Bhavanisagar - 638 451.
- 4.Seaskills Education and Research Trust,
Rep. by its Managing Trustee,
Captain H.Kumar .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the entire records on the file of the third respondent in connection with the order of granting permission dated 24.06.2016 vide in Ka.No.VaPa/Eva.A.3/Ko/74 to the fourth respondent and quash the same.

For Petitioner : Mr.R.Shanmugam
For Respondents : Mr.A.N.Thambidurai
Special Government Pleader
for R1 to R3

O R D E R

Heard Mr.R.Shanmugam, learned counsel appearing for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader, accepting notice on behalf of respondents 1 to 3.

With the consent of the learned counsel on either side, the Writ Petition itself is taken up for disposal.

2. The petitioner is a Society consisting of members who are engaged in fishing operations. The petitioner-Society applied for grant of permission of fishing rights in various tanks under the control of the Public Works Department and in particular under the control of the third respondent. The District Collector was the designated authority to consider such applications in terms of the Government Order in G.O.Ms.No.332, Animal Husbandry and Fisheries Department, dated 17.11.1993. After inviting appropriate report from the third respondent, dated 23.06.2014, the petitioner-Association was granted fishing rights in respect of four tanks viz., 1) Sulur Periya Kulam and Sulur Siriya Kulam, 2) Noiyallaru, 3) Otttarpalayam Kulam and 4) Kannampalayam, by proceedings, dated 09.09.2014. The said permission was for a period of five years i.e., from 01.07.2014 to 30.06.2019. While the petitioner had invested the funds of the Society which are in fact funds of the respective members for the purpose of rearing fish, the third respondent granted permission to the fourth respondent-Institution for the purpose of using the tanks for training their students in driving motorboats. This was objected to by the Executive officer of the Sulur Town Panchayat, by proceedings, dated 10.06.2016 in Na.Ka.No.87/2016/E. In spite of the such representation, no worthwhile action has been initiated by the third respondent. Therefore, the petitioner-Society submitted a representation to the third respondent on 03.09.2016, objecting to the order passed by the third respondent and contended that the third respondent has no jurisdiction to grant such permission, as the Competent Authority will be only the District Collector and the petitioner-Society having been granted fishing rights for a period of 5 years i.e., upto 30.06.2019, granting permission to the fourth respondent-Institution would affect their fishing rights.

3. Though the petitioner has sought for a larger relief in this Writ Petition by seeking to set-aside the proceedings of the third respondent, dated 24.06.2016, this Court is of the view that since the petitioner has submitted a representation on 03.09.2016, objecting to the such grant, at the first instance, this Court is inclined to direct the third respondent to consider the same, after giving notice to the petitioner as well as to the fourth respondent-Institution. The third respondent should justify his action as to how he has got the jurisdiction to pass an order.

4. In the light of the same, the Writ Petition stands disposed of by directing the third respondent to consider the petitioner's representation dated 03.09.2016, after issuing notice to the petitioner and the fourth respondent and pass appropriate orders on merits and in accordance with law,

within a period of two weeks from the date of receipt of a copy of this order. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

r n s
To

- 1.The Secretary,
Animal Husbandry,
Dairying and Fisheries Department,
Government of Tamil Nadu,
St.George Fort, Chennai.
- 2.The District Collector,
O/o.The District Collector,
Coimbatore.
- 3.The Executive Engineer,
Public Welfare Department,
Bhavanisagar, Anaikottam,
Bhavanisagar - 638 451.

+1cc to M/s. S. Saravnan, Advocate, S.R.No.54005

PSK(CO)
EU(07/10/2016)

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