

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4286 of 2016

and

W.M.P.Nos.3635 and 3636 of 2016

1. K.Chellapandian
2. S.Venkatesan
3. A.Jeyaraman

... Petitioners

Vs.

1. The District Collector,
Thiruvannamalai District.

2. The Junior Engineer,
Public Works Department / Irrigation
and Water Board Department,
Peranamallur,
Thiruvannamalai District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, calling for the records pertaining to the auction notice dated 20.01.2016, letter No.KO.EPO/2016 having reference Nil on the file of the 2nd respondent and quash the same.

For Petitioners

:

Mr.E.P.Senniyangiri

For Respondents

:

Mrs.P.Rajalakshmi,
Government Advocate.

सत्यमेव जयते
O R D E R

The Petitioner has come forward with this Writ Petition seeking to quash the auction notice dated 20.1.2016 vide letter No.KO.EPO/2016 published by the 2nd respondent.

2. Heard Mr.E.P.Senniyangiri, learned counsel appearing for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate, appearing for the respondents.

3. The petitioners are having agricultural lands in Periyakolapalur Village, Chetpet Taluk, Thiruvannamalai District. In the petitioner's village, there exists a lake called Periya Eri having an extent of 500 acres, which provides

water for more than 5 villages by supplying more than 1 lakh litres of water per day. The said lake is providing irrigation for more than 500 hectares of agricultural lands in and around the petitioner's village, apart from catering the water needs of the village. The lands of the petitioners are also getting irrigated from the above said lake. The lake is maintained and controlled by the Public Works Department.

4. During the last four years, like the other parts of the Tamilnadu, Thiruvannamalai District also faced heavy drought. During the last North-East monsoon season, the District has got sufficient rainfall, so Periyakolapur Periya Eri lake reached its fullest level. Once if the lake is filled to its highest level, the water would sustain in the lake for more than 12 months and would fulfill the water needs of the people including irrigation. While so, the 2nd respondent had advertised an auction notice for conducting open auction for granting fishery rights for the period of 5 months in the said lake.

5. It is the grievance of the petitioners that if the fishery right is granted for five months period, the Public Works Department would release the water at the end of the 5th month to facilitate fishing since unless water is drained up to 4 feet, fishing activities cannot be done in the said lake. It is the further grievance of the petitioners that if the water in the lake is not retained, the ground water level would go down than the reachable limit. The entire village would be put to scarcity of drinking water and apart from that, the agricultural activities would also be seized and agriculture based income source would be affected.

6. When the copy of the auction notice dated 20.1.2016 was sent to Panchayat Board of Periyakolapur Panchayat, in view of the objection made by the majority of villagers against the proposal of fishing activities at Periyakolapur, Periya Eri, a resolution was passed in Grama Saba Meeting held on 26.1.2016 seeking the 2nd respondent to stop the open auction to be held on 3.2.2016 and thereafter the President, Periyakolapur Panchayat gave an objection letter on 27.1.2016 to the 2nd respondent pleading not to conduct open auction for carrying out fishing activities in the said lake. In the circumstances, the petitioners fielded annual crops this year and the same is yet to be harvested.

7. Even on 25.1.2016, the petitioners sent a representation to the 1st respondent seeking the interference of the District Collector, Thiruvannamalai District to stop auction scheduled to be held on 3.2.2016, but the 2nd respondent, without appreciating the above mentioned facts, has been proceeding with the auction mechanically by announcing open auction in the office of the Village Panchayat, Periyakolapur.

for fishery rights for a period of 5 months till July 2016. Aggrieved against the same, the petitioners have come forward with the present writ petition.

8. Learned counsel for the petitioners submitted that pursuant to the auction notice sent to the Panchayat Board of Periyakolapur Panchayat, immediately a meeting was held on 26.1.2016 and a resolution dated 26.1.2016 was passed seeking the 2nd respondent to stop the open auction to be held on 3.2.2016 and thereafter on 27.1.2016, the President of Periyakolapur Panchayat gave an objection letter to the 2nd respondent seeking not to conduct open auction for carrying out fishing activities as it would lead to drain the water resulting in water scarcity in the five villages around the lake. But without considering the same, the 2nd respondent is proceeding with the auction. Hence he prayed for allowing of this Writ Petition.

9. Learned Government Advocate appearing for the respondent on the other hand, put forth her submissions supporting the impugned auction notice.

10. In view of the submissions made on either side, this Court directs the 2nd respondent to consider the objections/representation made by the petitioners dated 25.1.2016 seeking the interference of the District Collector, Thiruvannamalai District to stop auction with regard to grant of fishery rights and pass appropriate orders on merits and in accordance with law after affording an opportunity of personal hearing to the petitioners and other necessary parties, if any, within a period of four weeks from the date of receipt of a copy of this order.

11. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.
msr

s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Thiruvannamalai District.

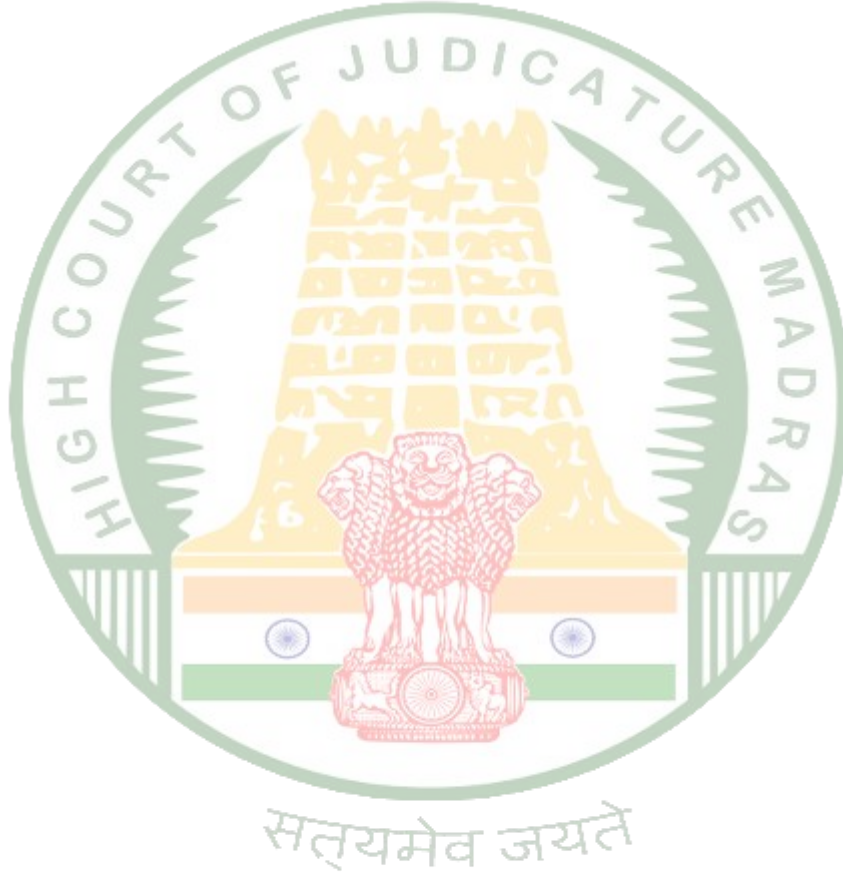
2. The Junior Engineer,
Public Works Department / Irrigation
and Water Board Department,
Peranamallur,
Thiruvannamalai District.

+ 1 cc to Govt.Pleader SR 9143

+ 1 cc to Mr.E.P.Senniyangiri, Advocate SR 8919

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prk26/2

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