

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.5770/2017

FMR 21, Morappur Fishermen
Cooperative Society, Morappur Post
Harur Taluk, Dharmapuri District
rep.by its Elected President,
S.Rangan

... Petitioner

Versus

1.The Executive Engineer
Public Works Department
Water Resources Organisation
Melpennayaru Basin Division
Dharmapuri - 5.

2.The Assistant Director of Fisheries
[Inland Fisheries], Ottapatti
Dharmapuri-5.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to make a recommendation to the 1st respondent to lease out the fishing right in the Baiyarnakkanpatty lake for further period from 2016-17 to 2020-21 to the petitioner as per the application of the petitioner dated 15.09.2016, 05.10.2016, 13.02.2017 and 22.02.2017 to the 2nd respondent.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.A.N.Thambidurai,
Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner claims to be the Elected President of the petitioner / Society and their members are inland fishermen engaged in fishing in lakes, tanks and rivers and that the Baiyarnayakanpatty Lake comes under the control of the 2nd

respondent. The petitioner would further aver that under normal circumstances, the 2nd respondent would follow G.O.Ms.No.332, Animal Husbandry and Fisheries [FS.IV] Department dated 17.11.1993, to lease out fishing rights to the petitioner's Society. The petitioner would further aver that in compliance of the orders passed in WP.No.16628/2011, the petitioner / Society submitted a representation to the 2nd respondent for grant of fishing rights and vide communication dated 24.01.2017, in Na.Ka.No.1757/७/2016-11, the 2nd respondent directed the petitioner / Society to furnish certain particulars and the said particulars were also furnished vide letter dated 13.02.2017 to the respondents 1 and 2 and it is also followed by a reminder dated 22.02.2017.

3 The learned counsel for the petitioner would submit that in spite of the fact that the petitioner / Society has complied with the terms of the 2nd respondent notice dated 24.01.2017, so far no orders have been passed and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4 The Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents and perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner / Society, directs the 1st respondent to act on the representations of the petitioner / Society dated 13.02.2017 and 22.02.2017 respectively, in response to the communication of the 2nd respondent dated 24.01.2017 in Na.Ka.No.1757/७/2016-11 and pass orders on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner / Society.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

1.The Executive Engineer
Public Works Department
Water Resources Organisation
Melpennayaru Basin Division
Dharmapuri - 5.

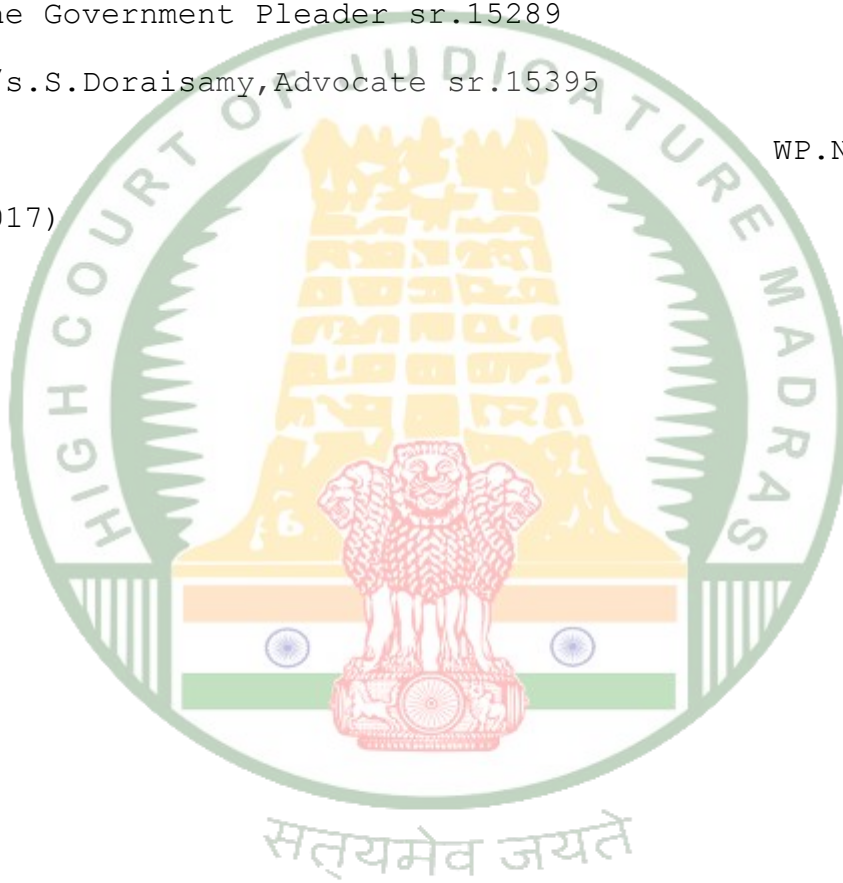
2.The Assistant Director of Fisheries
[Inland Fisheries], Ottapatti
Dharmapuri-5.

+1cc to The Government Pleader sr.15289

+1cc to M/s.S.Doraisamy, Advocate sr.15395

WP.No.5770/2017

ss(co)
ss(14/3/2017)



WEB COPY