

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.24959 of 2017
and
WPMP. No.26335 of 2017

1. Ellappan
2. Govindaraj
3. Narayanan
4. Vasu
5. Sankar
6. Palani
7. Kullan
8. Srinivasan
9. Boopathi
10. Nagaraj
11. Thekkan

... Petitioners

vs.

1. The Assistant Director of Fisheries
Inland Fisheries
4th Cross Street,
Jakkappan Nagar,
Krishnagiri.

2. The Executive Engineer,
Public Works Department,
Water Resources Organisation,
Upper Pennaiyar Basin Division,
Dharmapuri.

3. FMR-2, Krishnagiri Paruvatha Rajakula
Fishermen Cooperative Society,
Rep. by its President,
20-B/18-D, Mohanrao colony,
2nd Cross, Krishnagiri-1.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioners dated 28.08.2017 and forward his recommendation to the second respondent as per the resolution passed by the third

respondent society dated 01.08.2017 to grant lease of the lake viz. Mohammed Gouse @ Avathanapatti Lake situated at Avathanapatti to the 3rd respondent society for a period of 5 years from 2017-2022 and pass further orders.

For Petitioner : Mr.S.Doraisamy

For Respondents : Ms.T.Girija
Government Advocate for R1 & R2
Mr.V.Selvaraj
Addl. Govt. Pleader for R3

ORDER

This writ petition has been filed seeking to direct the first respondent to consider the representation of the petitioners dated 28.08.2017 and forward his recommendation to the second respondent as per the resolution passed by the third respondent society dated 01.08.2017 to grant lease of the lake viz. Mohammed Gouse @ Avathanapatti Lake situated at Avathanapatti to the 3rd respondent society for a period of 5 years from 2017-2022.

2. The learned counsel for the petitioners would submit that the petitioners are inland fishermen and members of the 3rd respondent society. Based on the recommendations of the 1st respondent, the 2nd respondent will grant the lease for fishing rights, to the fishermen society for a period of five years, to do fishing in the lake called Mohammed Gouse @ Avathanapatti Lake. During the period 2012 -2017, the lease was granted to the 3rd respondent society. On 01.08.2017, a resolution was passed by the 3rd respondent to lease out the said lake and the resolution was sent to the 1st respondent. The petitioners, being aggrieved, also made representation on 28.08.2017 to the 1st respondent, requesting to forward the resolution passed by the 3rd respondent society to the 2nd respondent. However, the 1st respondent has not forwarded the same. According to the petitioners, if the lease is not granted in time, their profession will be highly affected. Since the 1st respondent did not take any action on their representation, this writ petition has been filed seeking the above direction.

3. The learned Additional Government Pleader, produced a copy of the letter dated 21.09.2017 received from the Assistant Director of Fisheries Department and submitted that on the basis of the resolution, the proposal has been sent to the Deputy Director of Fisheries Department, for getting permission. On receipt of the permission, the same shall be forwarded to the Public Works Department, since the lake belongs to them. On

instructions, learned Additional Government Pleader sought for eight weeks time, to consider the proposal submitted by the 3rd respondent society.

4. In view of the submissions made by the learned Additional Government Pleader, this writ petition is disposed of, with a direction to the respondents to finalise the proposal, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

/true copy/

Sub Assistant Registrar

avr

To

1. The Assistant Director of Fisheries
Inland Fisheries
4th Cross Street,
Jakkappan Nagar,
Krishnagiri.
2. The Executive engineer,
Public Works Department,
Water Resources Organisation,
Upper Pennaiyar Basin Division,
Dharmapuri.

- 1 cc to Mr.S.Doraisamy, Advocate, Sr. 70541
1 cc to Mr.V.Selvaraj, Advocate, Sr. 50572
1 cc to Government Pleader, Sr. 70816

W.P.No.24959 of 2017

and

W.P.M.P.No.26335 of 2017

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