

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 8838 of 2015

and

M.P. No.1 of 2015

S. Kulandai Velu

..Petitioner

Vs.

1.The Director
Tamil Nadu Fisheries Department
Tenampettai, Chennai -600 006.

2.The Regional Deputy Director
Fisheries, Dharmapuri

3.The Assistant Director
Fisheries, Krishnagiri

4.The District Collector,
Krishnagiri District,
Krishnagiri.

5.The Executive Engineer,
Public Works Department,
Dharmapuri.

6. The Special Officer/
Inspector of Fisheries,
Thenkanikottai Fishermen,
Co-Operative Society,
Hosur.

7. The President,
Thenkanikottai Fishermen
Co-Operative Society,
Hosur.

8. Nagaraj

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the 6th and 7th respondent to convene the General Body (Maha Sabai) meeting at Thenkanikottai Fisherman Co-operative Society Ltd., to decide the issue of fishing lease

to the members of the Society in "Akka Thangai" lake in Thenkanikottai, Krishnagiri District within a stipulated time and pass such further orders.

For Petitioner : Mr.S.Senthil Nathan

For Respondents: Mr. V.Selvaraj

Addl. Government Pleader R1 to R6

: Mr. M.P.Raja Velayatham for R7

: Mr. S.Dorai Samy for R8

O R D E R

This Writ Petition has been filed seeking to direct the 6th and 7th respondents to convene the General Body (Maha Sabai) meeting at Thenkanikottai Fisherman Co-operative Society Ltd., to decide the issue of fishing lease to the members of the Society in "Akka Thangai" lake in Thenkanikottai, Krishnagiri District within a stipulated time.

2. Learned counsel for the petitioner submitted that the petitioner is a member of the 7th respondent Society. The lake called 'Akka Thangai', belonging to the Public Works Department, is situated within the jurisdiction of the 7th respondent Society. Considering the request of the Society, forwarded by the 3rd respondent, the proceedings dated 08.07.2014 was issued by the 5th respondent, granting lease of fishing rights over the said lake for a period of five years from 2014-15 to 2018-19, on certain terms and conditions. However, the 7th respondent President of the Society, without convening the General Body Meeting and grant the fishing right to a member/members, has granted fishing right to the 8th respondent, who is not a member of the Society. According to the petitioner the 7th respondent has acted contrary to the bye-laws of the Society and hence the petitioner along with other members submitted a representation dated 05.02.2015, to the respondents, Since no action has been taken on their representation, the petitioner has filed this Writ Petition.

3. Learned counsel appearing for the 7th respondent, relying on the counter affidavit filed by the 7th respondent, would submit that the Society convened a General Body Meeting on 22.07.2014 and passed a resolution granting permission to 5 members , who are all members of the Society to fish in the lake, on payment of Rs.33,926/- for a period of one year.

4. In view of the contention made in the counter affidavit filed by the 7th respondent, the relief as prayed by the petitioner, cannot be granted and hence the writ petition is liable to be dismissed.

5. Therefore, the Writ Petition is dismissed.
Consequently, the connected M.P is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

avr

To

- 1.The Director
Tamil Nadu Fisheries Department
Tenampettai, Chennai -600 006.
- 2.The Regional Deputy Director
Fisheries, Dharmapuri
- 3.The Assistant Director
Fisheries, Krishnagiri
- 4.The District Collector,
Krishnagiri District, Krishnagiri.
- 5.The Executive Engineer,
Public Works Department, Dharmapuri.
6. The Special Officer/
Inspector of Fisheries,
Thenkanikottai Fishermen,
Co-Operative Society, Hosur.
- 7.The President,
Thenkanikottai Fishermen,
Co-Operative Society, Hosur.

- + 1 cc to Mr. S. Senthilnathan, Advocate Sr.46335
+ 1 cc to Mr. S.Doraiswamy, Advocate SR.46788
+ 1 cc to the Government Pleader SR.46851

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PA(CO)
Eu 13.09.17