

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.16604 of 2018

PSA Mettur Fish Seed Sales Centre
rep. by Proprietor Mr.S.Prasanna Venkatesh,
Plot No.2, 1st Street Malrosa Puram,
Singaperumal Kovil,
Kanchipuram District.

...Petitioner

Versus

1. The State of Tamil Nadu
rep. by Secretary to Government,
Public Works Department,
Fort St. George, Chennai-9.
2. The Secretary to Government,
Animal Husbandry and Fisheries (FS IV)
Department, Fort St. George,
Chennai-9.
3. The Executive Engineer,
Public Works Department (WRD),
Irrigation Section, Sriperumputhur,
Kancheepuram District.
4. Joint Director,
Fisheries Department (Inland),
Chinna Neelangarai, Chennai-115.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 3rd respondents to increase the period of lease for Fishing Rights in Water Spread Tanks under the control of Public Works Department, Revenue and Panchayat from one year to five years.

For Petitioner
For Respondents

: Ms.Selvi George
: Mrs.P.Rajalakshmi, AGP

O R D E R

The Writ Petition has been filed, seeking to issue a Writ of Mandamus, directing the 1st and 3rd respondents to increase the period of lease for Fishing Rights in Water Spread Tanks under the control of Public Works Department, Revenue and Panchayat from one year to five years.

2. The case of the petitioner is that he is the proprietor of the petitioner's Firm, namely, PSA Mettur Fish Seed Sales Centre, Singaperumal Koil, Kancheepuram District and the said Firm is involved in supplying fish seeds under NADP since 2019 and they are supplying fish seeds to all major dams and reservoirs from 2010 onwards. In addition thereto, they have also successfully completed the NADP Project 2015-16 which was the Pilot Project of stocking of 100 grams size fish seeds in system tanks of Thiruvallur and Kancheepuram Districts. Apart from that, the petitioner's Firm is also having Fish Seed Rearing Farm in 9 acre at Padalam in Kancheepuram District and also one more Fish Seed Rearing Farm in 20 acre at Kappiyampuliyur in Villupuram District. They are also developing the fish seed size of 10 c.m. into 100 grams fized fish seed for NADP Projects.

3. The further case of the petitioner is that when the Government calls for tender/public auction to give the leasehold rights, they always fix 5 years period, sometime 10 years period, however, as far as the lease of Fishery right in Water Spread Tanks are concerned, it comes under the control of the Public Works Department, Revenue Department and Panchayat Department and they have been conducting public auction without fixing 5 years or 10 years term, on the other hand, they are conducting auction every year.

4. While so, referring to G.O.Ms.No.332, Animal Husbandry and Fisheries (FS4) Department, dated 17.11.1993, the learned Counsel for the petitioner submitted that all Fisheries Lease are given for a period of 5 years under the said Government Order and is it also specifically stated therein the annual lease should not be resorted to and in the light of the said Government Order, the petitioner's representation dated 28.05.2018 has to be disposed of on merits.

5. Learned Additional Government Pleader taking notice for the respondents submitted that the representation of the petitioner would be considered, not only on the basis of the said Government Order in G.O.Ms.No.332 dated 17.11.1993, but also in the light of the existing Government Orders too.

6. Recording the same, the petitioner is directed to furnish a copy of his representation dated 28.5.2018 along with a copy of this order and other Government Orders, if any available in this regard, to the 3rd respondent, namely, the Executive Engineer, Public Works Department(WRD), Irrigation Section, Sriperumputhur, Kancheepuram District, within a period of one week from the date of receipt of a copy of this Order, who in turn, on receipt of the same, shall consider the same on merits and in accordance with law, within a period of four weeks thereafter.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu, Public Works Department,
Fort St. George, Chennai-9.
2. The Secretary to Government,
Animal Husbandry and Fisheries (FS IV)
Department, Fort St. George, Chennai-9.
3. The Executive Engineer, Public Works Department (WRD),
Irrigation Section, Sriperumputhur,
Kancheepuram District.
4. Joint Director, Fisheries Department (Inland),
Chinna Neelangarai, Chennai-115.

+1cc to Mrs.Selvi George, Advocate, S.R.No.4828

+1cc to the Government Pleader, S.R.No. 48967

W.P.No.16604 of 2018

TR(02/08/2018)