

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2019

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THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 2465 of 2019

G. Muthusamy

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Petitioner

Vs.

1. The Secretary to Government,
Animal Husbandry Dairying
And Fisheries Department,
Chennai - 9.
2. The Commissioner of Fisheries,
Teynampet, Chennai - 18.
3. The District Collector,
Karur, Karur District.
4. The District Collector,
Namakkal District.
5. The Director of Fisheries,
Teynampet Chennai - 18.
6. The Assistant Director of Fisheries,
Mettur, Salem District. ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents to delimit the fishing right in the Kaveri river basin from Sholashiramani to Anakur in favour of the Petitioner society namely Kothamangalam, Fisherman inland Co-operative Society, Namakkal District based on the orders passed in W.P.No.3282/2009 dated 26.04.2013 and consequently direct the Third and Fourth Respondents to delimit/ demarcate the area of fishing in pursuance of the communication of the Sixth Respondent dated 20.01.2014 and 08.01.2018.

For Petitioner : Mr. K.H.Ravikumar

For Respondents : Mr. M. Karthikeyan
Additional Government Pleader.

O R D E R

Heard Mr. K.H. Ravikumar, Learned Counsel for the Petitioner and Mr. M. Karthikeyan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to be member of Kothamangalam Co-operative Fisherman Inland Society, Namakkal. In this Writ Petition, he seeks direction to the Respondents to delimit the fishing rights in the Kaveri River basin from Sholashiramani to Anakur in favour of the Kothamangalam Fisherman Inland Co-operative Society, Namakkal based on the orders dated 26.04.2013 in W.P. No. 3282 of 2009 and consequently direct the Third and Fourth Respondents delimit/demarcate the area of fishing in pursuance of the communication of the Sixth Respondent dated 20.01.2014 and 08.01.2018.

3. The Fourth and Sixth Respondents have filed Counter Affidavit stating that after the order dated 26.04.2013 in W.P. No. 3282 of 2009, a meeting on 19.02.2014 was conducted by the concerned authorities with the Co-operative Societies in Kaveri River basin relating to their fishing rights in which it was decided that there was no necessity to delimit the fishing rights. The said proceedings including the resolution dated 09.02.2019 passed by the Kothamangalam Fisherman Inland Co-operative Society, Namakkal, in which the Petitioner claims to be member, have been produced.

4. In the aforesaid circumstances, the relief sought by the Petitioner cannot be granted and the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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4. The District Collector,
Namakkal District.

5. The Director of Fisheries,
Teynampet Chennai - 18.

6. The Assistant Director of Fisheries,
Mettur, Salem District.

+1cc to Mr. K.H.Ravikumar, Advocate SR.No. 59899

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A.SK(02/08/2019)



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