

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.MANIKUMAR
AND
THE HONOURABLE Mr.JUSTICE SUBRAMONIUM PRASAD

W.P.No.12241 of 2018

A.Venkatesan

.. Petitioner

Vs

1. The District Collector,
The District Collector Office,
Kanchipuram.
2. The Tahsildar,
Uttiramerur Taluk,
Kanchipuram.
3. The Executive Engineer,
Water Resources Department/Public Works Department,
Lower Paallar River Basin Division,
Kanchipuram.
4. The Assistant Executive Engineer,
Water Resources Department/Public Works Department,
Lower Paallar River Basin Division,
Kanchipuram.
5. The Village Administrative Officer,
Ozhaiyur Village,
Ozhaiyur Village and Post,
Salavakkam Via, Uttiramerur Taluk,
Kanchipuram District 603 107.
6. Sivaramakrishnan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 5 to strictly monitor the fishing method and prevent the 6th respondent from draining the water of the lake for fishing and prevent the 6th respondent from introducing invasive hybrid varieties fish into the lake Periya Eri in

S.No.193 of Ozhaiyur Village, Uthiramerur Taluk, Kancheepuram District and to cancel the fishing contract if the 6th respondent violated the terms and take appropriate measures to preserve the water body along with it flora and fauna.

For Petitioner : Mr.Amar D.Pandiya

For R1 to R5 : Mr.E.Manoharan, AGP

For R6 : Mr.G.Poonkundran

O R D E R

(Order of the Court was made by SUBRAMONIUM PRASAD, J.)

An agriculturist, native and resident of Ozhaiyur village, has filed this instant public interest writ petition for the following relief :

"to direct the respondents 1 to 5 to strictly monitor the fishing method and prevent the 6th respondent from draining the water of the lake for fishing, from introducing invasive hybrid varieties fish into the lake Periya Eri in S.No.193 of Ozhaiyur Village, Uthiramerur Taluk, Kancheepuram District and to cancel the fishing contract, if the 6th respondent violated the terms and take appropriate measures to preserve the water body along with it flora and fauna."

2.The petitioner states that there are two lakes in the area viz. Periya Eri in S.No.193 measuring more than 51.00 hectares and Maveri in S.No.150. Both the lakes are in Ozhaiyur village panchayat and are managed and controlled by the Public Works Department. It is the allegation of the petitioner that the PWD is auctioning fishing rights in Periya Eri. According to him, heavy use of diesel motor is polluting the lake. The petitioner would state that because of pollution, fish is getting contaminated. The petitioner also submits that water is being unnecessarily drained and thereby, affecting agriculture. The petitioner states that the 4th respondent i.e., the Assistant Executive Engineer, Water Resources Department/PWD, Lower Paallar River Basin Division, Kanchipuram, through the 5th respondent/the Village Administrative Officer, Ozhaiyur Village, Kanchipuram District, has brought out a publication for auctioning fishing rights in Periya Eri. The auction was conducted on 12.02.2018 and tender is being awarded to the 6th respondent. The petitioner has therefore, filed the instant writ petition challenging the same.

3. On notice, the respondents 3 and 4 have filed a counter affidavit. The respondents have denied all the allegations of the petitioner that fishing in the lake is causing water pollution. The respondents would state that the tanks are being managed by PWD and PWD is authorised to auction fishing rights. The respondents have stated that other than the petitioner, no other complaint has been received from any agriculturist, stating that there is paucity of drinking water or that the water in the lake is getting polluted etc. The respondents have stated that auction has been conducted and three bidders have participated in the auction. The auction has been confirmed in favour of the 6th respondent. Counter has been filed in July 2018.

4. Heard the counsel for the parties.

5. A perusal of the counter would show that the writ petition has become infructuous. The writ petition was filed to cancel the fishing contract in favour of the 6th respondent. The term of the contract was valid till July 2018. Since the term of the contract itself is over, nothing survives in this writ petition. Further, the respondent has filed a counter way back in July 2018, controverting all the averments/ allegations made in the writ petition. No rejoinder has been filed by the petitioner controverting the statements made in the counter. As nothing survives in the writ petition and the issue has become academic, the writ petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
The District Collector Office,
Kanchipuram.
2. The Tahsildar,
Uttiramerur Taluk,
Kanchipuram.

3. The Executive Engineer,
Water Resources Department/Public Works Department,
Lower Paallar River Basin Division,
Kanchipuram.
4. The Assistant Executive Engineer,
Water Resources Department/Public Works Department,
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5. The Village Administrative Officer,
Ozhaiyur Village,
Ozhaiyur Village and Post,
Salavakkam Via, Uttiramerur Taluk,
Kanchipuram District 603 107.

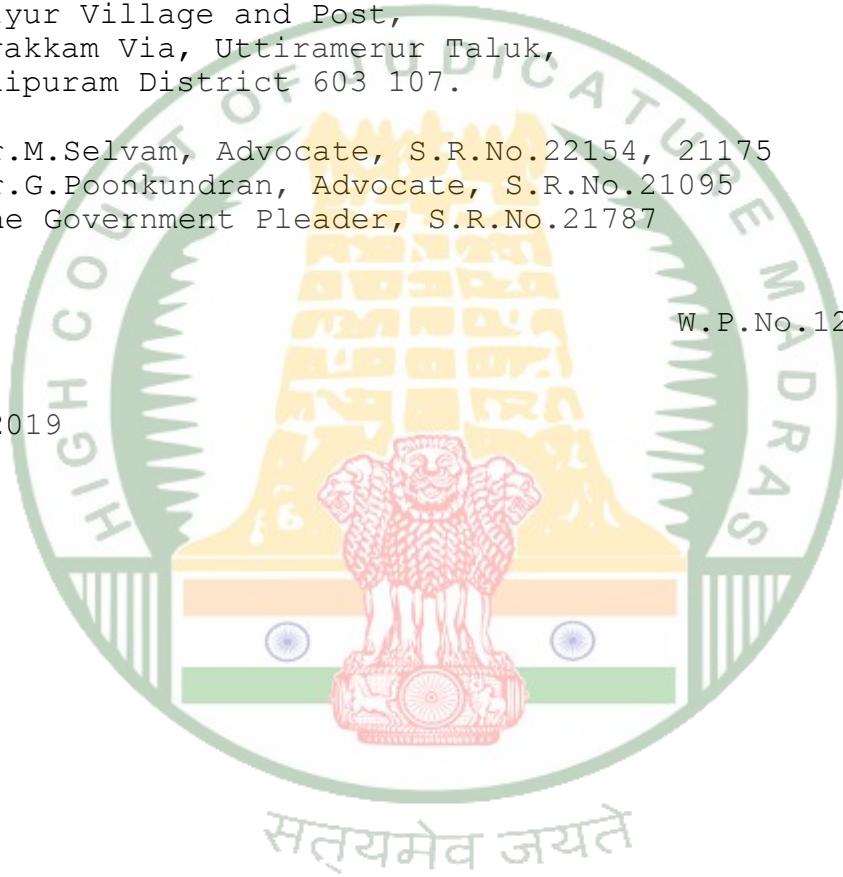
+2cc to Mr.M.Selvam, Advocate, S.R.No.22154, 21175

+1cc to Mr.G.Poonkundran, Advocate, S.R.No.21095

+1cc to the Government Pleader, S.R.No.21787

W.P.No.12241 of 2018

SJ(CO)
CS/22/04/2019



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