

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.12.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.13604 of 2018

B.Miniammal

.. Petitioner

..Vs..

- 1.The Executive Engineer,
Public Works Department,
Water Resources Organization,
Sarabanga Basin Division,
Namakkal,
Namakkal District.
- 2.The Assistant Executive Engineer,
Public Works Department,
Water Resources Organization,
Sarabanga Basin Division,
Rasipuram,
Namakkal District.
- 3.The Assistant Director,
Fisheries Department,
Mettur Dam,
Salem District.
- 4.FMR 13, Pallipalayam Avarankadu
Fishermen Co-operative Society,
Rep.by its Secretary,
Pallipalayam,
Tiruchengode Taluk,
Namakkal District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1, 3 and 4 to consider the petitioner's representation dated 12.02.2018 for renewal of her fishing right in Emapalli Eri, Tiruchengode Taluk, Namakkal District for the period between 01.07.2018 to 30.06.2021 relating to the Fasli year 1428 to 1430.

For Petitioner	: N.Manokaran
For R1 to R3	: Mr.M.Karthikeyan Additional Government Pleader.
For R4	: Mr.S.Girish

O R D E R

This petition has been filed in the nature of Writ of Mandamus, directing the respondents 1, 3 and 4 to consider the petitioner's representation dated 12.02.2018 for renewal of her fishing rights in Emapalli Eri, Tiruchengode Taluk, Namakkal District, for the period between 01.07.2018 and 30.06.2021.

2. It is stated that the petitioner is the Member of the 4th respondent's Association namely, FMR 13, Pallipalayam Avarankadu Fishermen Co-operative Society. The 3rd respondent, Assistant Director, Fisheries Department, Mettur Dam, Salem District, grants permission to the 4th respondent for fishing rights in Emapalli Eri, Tiruchengode Taluk. The 4th respondent/co-operative society has 146 members. For the particular area in which the petitioner seeks license rather than permission to fish, it is stated that about nine members are granted license normally. License is granted according to the Fasli year. The previous Fasli year was 1428. The next Fasli year is 1429. The fishing rights are granted from the month of January every year.

3. The learned counsel who appears for the 4th respondent had made a statement in the Bar, that as and when the 3rd respondent grants license to them, they would consider the case of the petitioner also for grant of fishing rights in the said Eri namely, Emapalli Eri, Tiruchengode Taluk, Namakkal District.

4. The 4th respondent will have to balance the grant of license to the petitioner with the other factors namely, whether the petitioner is disqualified on any other account and also whether other members will have to be accommodated. At any rate, the 4th respondent has to pass a considered order either granting or rejecting the permission for the petitioner to fish from the month of January - 2020.

5. With the above observations, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To,

1.The Executive Engineer,
Public Works Department,
Water Resources Organization,
Sarabanga Basin Division,
Namakkal,
Namakkal District.

2.The Assistant Executive Engineer,
Public Works Department,
Water Resources Organization,
Sarabanga Basin Division,
Rasipuram,
Namakkal District.

3.The Assistant Director,
Fisheries Department,
Mettur Dam,
Salem District.

4.FMR 13, Pallipalayam Avarankadu
Fishermen Co-operative Society,
Rep.by its Secretary,
Pallipalayam,
Tiruchengode Taluk,
Namakkal District.

+1cc to Mr.S.Girish, Advocate sr.103750
+1cc to Mr.N.Manokaran, Advocate sr.103787
+1cc to Mr.V.Jayaprakash Narayan, Advocate sr.103518
+1cc to Government Pleader SR.NO. 104015

W.P.No.13604 of 2018

sr(co)
nr 23/01/2020