

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14553 of 2020
(Heard Through VC)

Lake Supply Channel,
Irrigation Farmers Association,
(Reg.No.26/2017),
No.3/100, South Street,
Thiyagarajapuram Village,
Sankarapuram Post and Taluk - 606 401,
Kallakkurichi District,
Rep by its
President K.Thiruppathi

..Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
Public Works Department (WRO),
Secretariat, Fort St.George,
Chennai 600 009.
2. The Chief Engineer,
Public Works Department (WRO),
P.W.D.Buildings,
Chepauk - 600 005.
3. The District Collector,
Kallakkurichi District,
Kallakkurichi - 606 202.
4. The Superintendent Engineer,
Public Works Department (WRO),
Vallar Basin Circle, Cuddalore - 607 001.
5. The Executive Engineer,
Public Works Department (WRO),
Vallar Basin Circle,
Virudhachalam - 1.
6. The Assistant Executive Engineer,
Public Works Department (WRO),
Vallar Basin Circle,
Kallakkurichi - 606 202.

7. The Assistant Engineer,
Sankarapuram Irrigation Section,
Public Works Department,
Vallar, PWD Office,
Kallakurichi - 606 202

..Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the fifth respondent to give preference to the petitioner-Association the aquaculture rights in the lake at Thiagarajapuram Village after receiving a nominal amount from the petitioner-Association, for which, the petitioner Association made representations dated 11.03.2019 and 15.09.2020 respectively.

* * *

For Petitioner : Mr.R.Malaichamy
For Respondents: Mr.V.Shanmugasundar
Spl.Govt.Pleader

ORDER

With the consent of learned counsel on either side, this writ petition is taken up for final disposal at the admission stage itself.

2. The Writ Petition is filed seeking a mandamus to direct the fifth respondent to give preference to the petitioner-Association for the aquaculture rights in the lake at Thiagarajapuram Village after receiving a nominal amount from the petitioner-Association, based on their representations dated 11.03.2019 and 15.09.2020 respectively.

3. It is the case of the petitioner that he is the President of the petitioner-Association and the said Association was functioning from the year 2005 in the name and style as "Lake Ayacut Farmers Association" for the benefit of farmers and to protect water bodies of the Village, Thiagarajapuram. Due to financial constraint, the said Association was not functioning properly and the registration of the same has not been renewed. Thereafter, on 07.04.2017, the petitioner-Association has registered it for proper functioning in the name and style as "Lake Supply Channel Irrigation Farmers Association, bearing Registration No.26/2017. It is also stated that nearly 136 farmers are members of the said Association. According to the petitioner, the small farmers are unable to contribute continuously for the maintenance of the water bodies. Hence, if aquaculture is leased out to the Association by the authorities, the Association will earn some amount, which could be useful to maintain and preserve the water bodies in future. In this regard, on 11.03.2019, the Association has submitted a

representation to the respondents. Since no reply was received, the petition under RTI Act was submitted to know about the status of representation dated 11.03.2019. On receipt of such petition, the authorities directed the fifth respondent to take necessary steps on the petitioner's representation. Lastly, the petitioner-Association has approached the fifth respondent to consider the request for giving fishing right preference, but till date, there is no response. Therefore, again, the petitioner-Association made a representation dated 15.09.2020 to the respondents 1 to 5 to consider their request. But, no action was taken. Hence, the petitioner is before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader and perused the materials available on record.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the fifth respondent to consider the representations of the petitioner dated 11.03.2019 and 15.09.2020 in the light of G.O.Ms.No.201, Animal Husbandry, Dairying and Fisheries (FS-6) Department, dated 19.10.2017, enquire into the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and by affording them an opportunity of personal hearing or virtual hearing and after verifying the relevant documents, on or before 30.11.2020.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

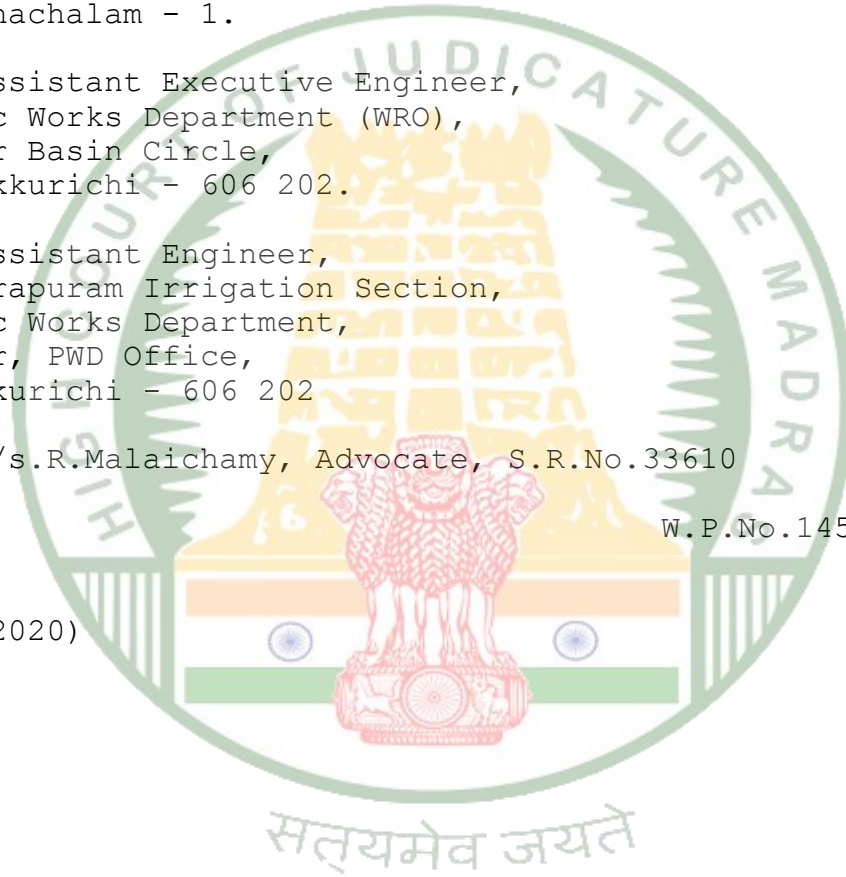
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+1cc to M/s.R.Malaichamy, Advocate, S.R.No.33610

W.P.No.14553 of 2020

RP(CO)
RV(23/11/2020)



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