

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.NO.16136 OF 2020

AND

WMP.NO.20122 OF 2020

1.C.Natarajan

2.A.Palani

.. Petitioners

Vs.

1. The Assistant Director of Fisheries
Inland Fisheries
Krishnagiri.

2. FMR.1, Kaveripattinam Paruvatharajakula
Fisherman Co-operative Society
Rep by its President
No.59/203, Agaram Road
Kaveripattinam Post
Krishnagiri District.

3. The Superintendent of Police
Krishnagiri District
Krishnagiri.

4. The Inspector of Police
Kaveripattinam Police Station
Kaveripattinam
Krishnagiri District.

5. K.Kuppusamy

6. Mandhiri Gounder

.. Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 and 2 and their henchmen from interfering with the petitioners lease hold right to fishing at Mittahalli Tank, Krishnagiri Taluk & District, till completion of lease period 2022.

For Petitioners: Mr.M.S.Palaniswamy

For Respondents: Mr.V.Shanmuga Sundar [R1, R3 & R4]
Mr.Mukund R.Pandian [R5 & R6]
R2 - Not ready in notice

O R D E R

The present writ petition is filed for a mandamus to forbear the respondents 1 and 2 and their henchmen from interfering with the petitioners' lease hold right to fish at Mittahalli Tank, Krishnagiri Taluk & District, till completion of lease period 2022.

2. The petitioners are the lessees of the Mittahalli Tank situated at Mittahalli Village, Krishnagiri District, for whom, fishing right was granted by the respondents 1 & 2, for a period of 5 years from 09.10.2017 to 08.10.2022. The Tank is under the control and maintenance of Public Works Department (PWD). As per G.O.Ms.No.332, Animal Husbandary and Fisheries (FSIV) Department dated 17.11.993, a Fishermen Co-operative Society or a Harijan Welfare Co-operative Society are only permitted to bid in the auction and take lease hold right to fish in the lakes and tanks, which was under the control and maintenance of PWD or other local bodies. The Mittahalli Tank is one among the 11 notified tanks, to which, permission was granted by PWD for fishing.

3. Vide his letter No.1430/Co.29/2017 dated 11.08.2018, the Executive Engineer of PWD has granted permission to the first respondent to lease out the Mittahalli Lake for fishing for a period of five years, who in turn vide his proceedings dated 16.08.2017 has granted lease of the Mittahalli lake to the second respondent. Thereafter, the petitioners had jointly participated in the auction conducted by the second respondent and being the successful bidders, they were granted lease hold right to fish in the Mittahalli Lake for the period of 5 years i.e., from 2017 to 2022.

4. It is stated by the petitioners that the respondents 5 and 6 are acting in high-handed manner and preventing the petitioners from harvesting the fish in Mittahalli Tank. As the lease-hold right of the petitioners for fishing in Mittahalli Tank subsist till 2022, the respondents 5 and 6 have no right to disturb the petitioners from harvesting the fish. Even the first petitioner is stated to have filed CrI.OP.No.14031 of 2020, seeking a direction of the Court to direct the respondents 3 and 4, who are the police officials, to give protection and this Court vide order dated 09.9.2020 has allowed the petition, directing the fourth respondent to enquire into the matter

within four weeks. Despite the order of Court, no response is forthcoming and the respondents 5 and 6 continue to interfere with the activities of the petitioners with the help of political parties. Hence, the petitioners are before this Court, seeking a relief.

5. On instructions, the learned Special Government Pleader appearing for the State would submit that the respondents 3 and 4 would extend their co-operation in giving protection to the petitioners till the petitioners' lease period comes to an end in the year 2022.

6. Heard the learned counsel appearing on either side and the learned Special Government Pleader appearing for the State.

7. Considering the facts and circumstances of the case and the submissions made on either side, this Court directs the petitioners to give a fresh representation to the respondents 3 and 4 in this regard, and upon receipt of such representation, the respondents 3 & 4 are directed to give adequate protection to the petitioners not only from the respondents 5 and 6, who are causing hindrance to the petitioners' activities in fishing in Mittahalli Tank, Krishnagiri District, but also from other persons who are trying to interfere with the lease-hold of the petitioners in Mittahalli Tank, Krishnagiri District, until their lease period comes to an end in the year 2022.

8. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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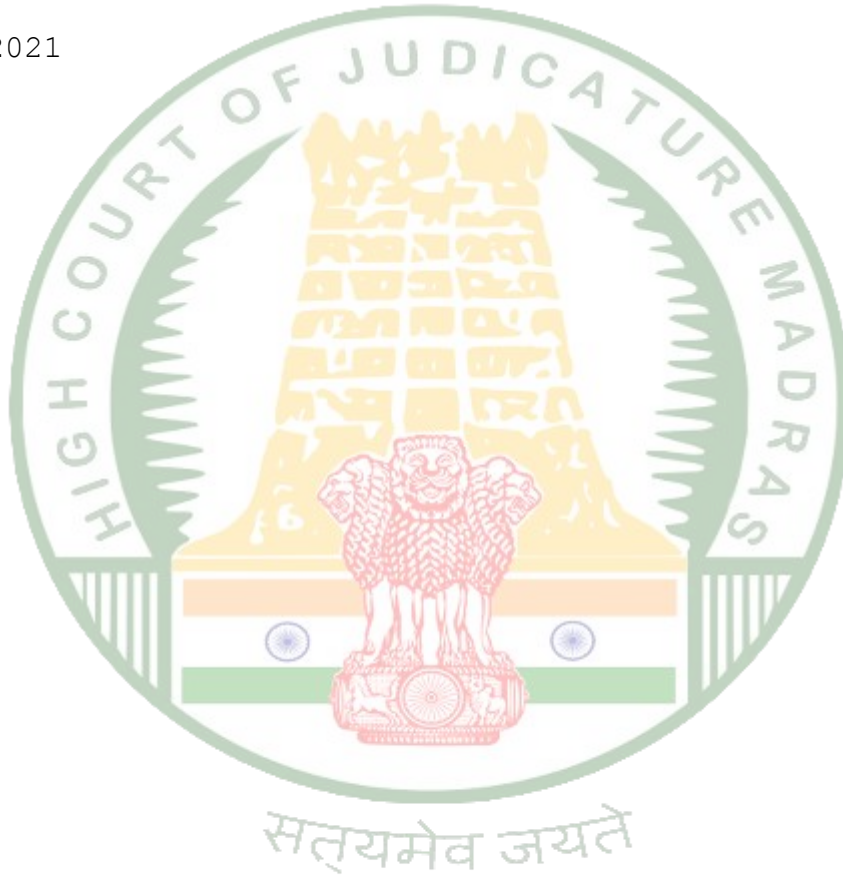
1. The Assistant Director of Fisheries
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2. The Superintendent of Police
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3. The Inspector of Police
Kaveripattinam Police Station
Kaveripattinam
Krishnagiri District.

+1cc to Mr.R.Balaramesh, Advocate, S.R.No.42751
+1cc to Mr.Mukund R.Pandian, Advocate, S.R.No.42717
+1cc to Mr.M.S.Palaniswamy, Advocate, S.R.No.42711
+1cc to the Government Pleader, S.R.No.42505

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AJB (CO)
CS/19/01/2021



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