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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2020

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.24127 of 2019

and

W.M.P.No.23924 of 2019

FMR 3, Hosur Meenavar
Co-operative Society
Rep. by its President S.Aishwarya
60/76, Nesavalur Street
Hosur
Krishnagiri District
Pin-635 109

...Petitioner

Vs.

1.The Assistant Director of Fisheries
Ward No.27, 4th Cross
Krishnagiri
Pin:635 001

2.The Commissioner
Hosur Municipality
Krishnagiri District
Pin:635 109

3.The Sub-Inspector
Fisheries Department
Hosur
Pin: 635 109

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 2nd respondent herein to grant fishing rights in favour of the petitioner in respect of Mailvaghanan lake, Devan lake and Ramanaicken lakes situate within the Municipal limits of the 2nd respective in pursuant to the G.O.Ms.No.332 dated 17.11.1993 Animal Husbandry and fisheries (F.S.IV) Department.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.N.Inbanathan,
Additional Government Pleader

for Mr.R.Venkatesh for R1 & R3
Mr.M.Rajamathivanan for R2



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ORDER

The petitioner is a Cooperative Society by name FMR 3, Hosur Meenavar Co-operative Society, 60/76, Nesavalur Street, Hosur, Krishnagiri District. It is represented in the present writ petition by its President S.Aishwarya. It is functioning at Hosur, Krishnagiri District.

2.The writ petition has been filed for Mandamus, directing the 2nd respondent, the Commissioner, Hosur Municipality, to grant fishing rights to the petitioner in respect of Mailvaghanan lake, Devan lake and Ramanaicken lake situated within the Municipal limits of the 2nd respondent in pursuant to the G.O.Ms.No.332 dated 17.11.1993 Animal Husbandry and Fisheries (F.S.IV) Department.

3.In the affidavit filed in support of the petition it had been stated that the petitioner's Society is registered under the Tamil Nadu Co-operative Society Act under Registration No.FMR3. It is stated that there are several lakes within Krishnagiri District. Among the Lakes, Mailvaghanan Lake, Devan Lake and Ramanaicken Lake come within Hosur Panchayat Union. It was stated that the petitioner's Society was granted lease of fishing rights in the said lakes within the jurisdiction of the Panchayat Union. Even earlier, the Society was given fishing rights during the period between 20.12.2013 and 20.12.2017 in respect of Devan Lake and in respect of Mailvaghanan Lake.

4.It is stated that in the year 2017, the said three lakes and another 17 lakes were handed over to the Hosur Municipality. It is stated that on 14.05.2018, the Society passed a resolution seeking fishing rights for a period of 5 years from 2018-2019 to 2022-2023 in respect of Mailvaghanan Lake, Devan Lake and Ramanaicken Lake. A representation was given on 04.07.2019 seeking fishing rights in the said three lakes but no action was taken. The existing lease period expired on 30.06.2019. It is stated that in accordance with G.O.Ms.No.332 dated 17.11.1993, priority should be given to the Fishermen Cooperative Society in the matter of granting fishing licence. It is under these circumstances under which the petitioner is before this Court seeking Mandamus, directing the 2nd respondent to grant fishing rights to the petitioner Society in respect of the above said three lakes.

5.Heard Mr.S.Senthilnathan, learned counsel appearing for the petitioner and Mr.N.Inbanathan, AGP, appearing on behalf of respondents 1 & 3 and Mr.Rajamathivanan, who took notice on behalf of the 2nd respondent. Counter has been filed by the 2nd respondent.



6.It is stated by the 2nd respondent that the fixed rates for fishing in the said three lakes are as follows:

S.No.	Names of Lake	Minimum amount fixed by the 1 st respondent. (Rs.)	Market rate fixed by the 2 nd respondent, . (Rs.)
1.	Mayilvaghanan Lake	Rs.32,598/-	Rs.48,000/-
2.	Devan Lake	Rs.8,888/-	Rs.12,000/-
3.	Ramanayakkan Lake	Rs.81,538/-	Rs.1,50,000/-

7.The learned counsel for the petitioner stated that the petitioner Society is prepared to pay the rates as fixed by the 2nd respondent.

8.The learned counsel for the 1st and 3rd respondent stated that the petitioner Society has to pay the amount fixed by the 2nd respondent to get the fishing rights in the said three lakes.

9.According to G.O.Ms.No.332 dated 17.11.1993, priority is to be given to the Fishing Society. The only concern raised by the 2nd respondent is that the petitioner should accept the rates fixed by the 2nd respondent.

10.In view of these facts, Mandamus is issued to the 2nd respondent to grant fishing rights to the petitioner's Society in respect of three lakes i.e. Mayilvaghanan Lake, Devan Lake and Ramanaicken Lake, in accordance law. The market rate fixed by the 2nd respondent, period of lease and any enhancement of lease amount shall be independently fixed by the 2nd respondent.

11.It is represented that the 2nd respondent shall not impose any unreasonable condition while granting fishing rights to the petitioner's Society, since the petitioner's Society actually works for the welfare of the fishermen in the area. It is again reiterated that the 2nd respondent may independently enter into a lease agreement stating the specific conditions of lease, period of lease and the lease amount. The lease agreement must be entered by the 2nd respondent on or before 13.01.2020.



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12. The writ petition is allowed accordingly. No order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To:

1. The Assistant Director of Fisheries
Ward No.27, 4th Cross
Krishnagiri
Pin:635 001

2. The Commissioner
Hosur Municipality
Krishnagiri District
Pin:635 109

3. The Sub-Inspector
Fisheries Department
Hosur
Pin: 635 109

+1 cc to M/s.S.Senthil Nathan, Advocate Sr.No. 1624
+1 cc to M/s.M.Rajamathivanan, Advocate Sr.No. 1456
+1 cc to The Government Pleader Sr.No. 1918

AKM/08.01.2020/4P-7C /

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