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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-10-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.29487 of 2011

And

MP No.2 of 2011

C.S.Mani

...Petitioner

vs.

1. The District Collector,
Vellore District,
Vellore.

2. The Block Development Officer,
Village Panchayats,
Nemili Panchayat Union,
Arakkonam Taluk,
Vellore District.

3. The Deputy Block Development Officer (A.D.W.),
Nemili Panchayat Union,
Arakkonam Taluk,
Vellore District.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings in Na.Ka.A3/592/2011 dated 08.10.2011 and the consequential auction notice of the second respondent in Na.Ka.A4/2837/2010 dated 14.12.2011 in so far as it pertains to the petitioner and quash the same and to forbear the respondents from interfering with the petitioner's right in respect of the two Eris located in Veperi Village, Arakkonam Taluk, Vellore District.

For Petitioner : Mr.G.Jeremiah

For Respondents-1 and 3 : Mr.K.M.D.Muhilan,
Government Advocate.

For Respondent-2 : Mr.P.Sanjay Gandhi



O R D E R

The order dated 14.12.2011 notifying the public auction and another order dated 08.10.2011 are under challenge in the present writ petition.

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2. The 08.10.2011 order was passed based on G.O.Ms.No.169, Rural Development Department, dated 16.08.1999. The said Government Order deals with the Tamil Nadu Panchayats (Lease and Licensing of Fishery Rights in Water Sources vested and regulated by Village Panchayats and Panchayat Union Councils) Rules, 1999.

3. The Rules are not under challenge in the present writ petition. The order dated 08.10.2011 passed in consonance with the abovesaid Government Order states that all permission granted stands cancelled automatically.

4. In view of the fact that such Fishing Rights were being exercised for an indefinite period by many persons across the State of Tamil Nadu. Thus, those persons, who obtained Fishing Rights several years back were exercising the Fishing Rights by paying the meagre amount of Rs.100 or Rs.125 etc., for one year. Thus, the Government thought fit to conduct a public auction in view of the fact that there is a huge revenue loss to the Panchayats.

5. The public auction is proposed to be conducted to protect the interest of the Panchayats at large and to generate the revenue for the welfare of the people in general. Fishing rights became competitive in the area and when the competition has been increased and the cost of fish is also exorbitant, the Government thought fit to conduct a public auction to generate the public funds for the welfare of the people in general. Therefore, such a policy of the Government, cannot be found fault with. It was issued in consonance with the provisions of the Statute.

6. All Fishing Rights granted stands cancelled automatically only for the purpose of conducting public auction by following the procedures as contemplated. In the event of conducting the public auction, mere receiving the funds can be generated in the better manner and such funds can be utilised for the development of Panchayats etc.

7. This being the purpose and object of the abovesaid Government Order, the case of the petitioner is that the Fishing Right was obtained in the year 1986. Admittedly, the petitioner is paying an amount of Rs.100/- per year. The Lake, in which the Fishing Rights are given in favour of the petitioner, is a vast



area and therefore, this Court is of an opinion that the decision taken by the Authorities to go for public auction is in consonance with the Government Policy and the petitioner cannot exercise the Fishing Right for an indefinite period and such a right conferred cannot be legally sustainable.

8. The learned counsel for the petitioner states that no period has been mentioned and even in such cases, when the Government has adopted a policy decision to conduct a public auction and cancelling the existing rights exercised for several years automatically, then the said decision cannot be described as in violation of the principles of law. Thus, an order impugned is in consonance with the policy decision of the Government and public auction is to be conducted in respect of Fishing Rights of the petitioner. The petitioner, if otherwise eligible, is at liberty to participate in the public auction, if any Notification by the Competent Authority in respect of the grant of permission for Fishing Rights.

9. With the abovesaid liberty, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The District Collector,
Vellore District, Vellore.
2. The Block Development Officer,
Village Panchayats,
Nemili Panchayat Union,
Arakkonam Taluk,
Vellore District.
3. The Deputy Block Development Officer (A.D.W.),
Nemili Panchayat Union,
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W.P.No.29487 of 2011

RSI(CO)
RGA(26/10/2021)