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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.2318 and 2609 of 2015
and
M.P.Nos.1, 2 & 2 of 2015

W.P.No.2318 of 2015

- 1 A.Gopal
- 2 M.Anbarasu
- 3 A.Arujunan
- 4 V.Subramani
- 5 M.Selvam
- 6 Komarasamy
- 7 K.Chinraj
- 8 M.Raja
- 9 P.Chinnapaiyan
- 10 P.Raju
- 11 G.Dhanam
- 12 M.Kamaraj
- 13 G.Maadhu
- 14 K.Mani
- 15 A.Dhanakodi
- 16 M.Pachaiammal
- 17 P.Rajendran
- 18 P.Rajendran
- 19 P.Tirupathi



- 20 M.P.Murugan
21 L.Rajamanickam
22 P.Narayanan
23 K.Subramani
24 S.Chinnapaiyan
25 R.Kaveri
26 C.Govindhan
27 G.Perumal
28 P.Marimuthu
29 A.Thangavel
30 G.Mariappan
31 M.Sadasivam
32 M.Kuppusamy
33 P.Veerappan
34 G.Sakthivel
35 K.Kumar
36 K.Gurunathan
37 R.Arumugam
38 S.Periannan
39 V.Veerarao
40 C.Govindhan
41 A.Ayyappan
42 V.Palaniappan
43 G.Irusappan
44 P.Govindhan
45 A.Velu



46 A.Velaiappan

47 S.Periannan

48 A.Veerasley

49 S.Govindhan

50 G.Veeramuthu

51 G.Nallathambi

52 L.Nallasamy

53 C.Lakshmanan

54 S.Govindhan

55 K.P.Natesan

56 L.Rajendran

57 V.Selvam

58 M.Mani

59 K.Balaraman

60 K.Maadhu

61 P.Govindhan

62 Ramar

63 P.Rajappan

64 R.Arumugam

65 G.Senthil Kumar

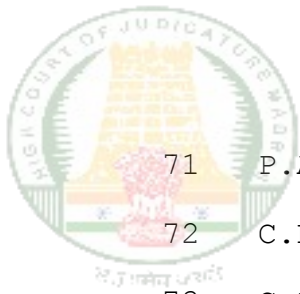
66 M.Mani

67 A.Sumathi

68 P.Shanmugam

69 S.Jayaraman

70 A.Rasappan



71 P.Arunachalam

72 C.Raju

73 C.Palanisamy

...Petitioners

Vs

1.Government of Tamil Nadu,
Rep.by its Secretary to Government,
Animal Husbandry, Dairying and Fisheries
(FS3) Department,
Fort George, Chennai - 9.

2.The Commissioner of Fisheries Department,
Administrative Office Building,
Teynampet, Chennai - 600 006.

3.The Inspector of Fisheries,
Mettur Dam, Salem District.

4.The Deputy Registrar of Co-operative Society,
Salem Circle, Salem District.

5.The President,
K.K.98, Mettur Dam Fisheries,
Co-operative Marketing Society Ltd.,
Mettur Dam, Salem District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the second respondent in his Notification Na.Ka.No.29400/F3/2014 tender cum auction notice dated 09.01.2015, quash the same in so far as the Mettur Dam, Salem District is concerned and issue consequential direction forbearing the respondents from preventing the petitioner's in exercising their fishing rights in Mettur Dam, Salem District.

For Petitioner :Mr.A.M.Easkkiappan
For M/s.Row and Reddy

For Respondents : Mr.C.Kathiravan
Government Advocate
[For R1 to R4]

W.P.No.2609 of 2015

1.Sevi
2.Raji



3.Chinnakunji
4.Saraswathi
5.Munirathinam

..Petitioners

Vs

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1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Animal Husbandry, Dairying and Fisheries
Department,
Fort George, Chennai - 9.

2.The Commissioner/Director,
Tamil Nadu Fisheries Department,
Teynampet, Chennai - 600 006.

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

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned orders passed by the first respondent herein in G.O.Ms.No.165, Animal Husbandry, Dairying and Fisheries (FS3) Department dated 25.09.2012 and its consequential notification in Na.Ka.NO.29400/F3/2014 issued by the second respondent on 09.01.2015 as far as Sl.No.8 Mettur dam concerned.

For Petitioners :Mr.M.R.Jothimanian

For Respondents : Mr.C.Kathiravan
Government Advocate
[For R1 to R3]

COMMON ORDER

The relief sought for in respect of W.P.No.2318 of 2015 is to call for the records from the second respondent in his Notification Na.Ka.No.29400/F3/2014 tender cum auction notice dated 09.01.2015, quash the same in so far as the Mettur Dam, Salem District is concerned and issue consequential direction, forbearing the respondents from preventing the petitioner's in exercising their fishing rights in Mettur Dam, Salem District; The relief sought for in respect of W.P.No.2609 of 2015 is to call for the records of the impugned orders passed by the first respondent herein in G.O.Ms.No.165, Animal Husbandry, Dairying and Fisheries (FS3) Department dated 25.09.2012 and its consequential notification in Na.Ka.NO.29400/F3/2014 issued by



the second respondent on 09.01.2015 as far as Sl.No.8 Mettur dam concerned.

2. The learned Government Advocate appearing on behalf of the respondents brought to the notice of this Court that a policy decision has been taken by the Government in respect of fishing rights and an order was issued in G.O.Ms.No.15, Animal Husbandry Dairying and Fisheries (Fs-5) Department dated 29.01.2020. Accordingly, Clause 7 indicates "For the reservoirs which are under licensed system of fishing, the same system may be followed. The license fee and number of licenses may be enhanced."

3. In view of the said policy decision, the rights of the petitioners are protected.

4. Thus, no further adjudication is required and accordingly, both the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Animal Husbandry, Dairying and Fisheries
(FS3) Department,
Fort George, Chennai - 9.
- 2.The Commissioner/
Director of Fisheries Department,
Administrative Office Building,
Teynampet, Chennai - 600 006.
- 3.The Inspector of Fisheries,
Mettur Dam, Salem District.
- 4.The Deputy Registrar of Co-operative Society,
Salem Circle, Salem District.



5.The President,
K.K.98, Mettur Dam Fisheries,
Co-operative Marketing Society Ltd.,
Mettur Dam, Salem District.

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6.The Assistant Director,
Tamil Nadu Fisheries Department,
Mettur Dam, Mettur,
Salem District.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.49729

+1cc to Mr.V.Stalin, Advocate, S.R.No.49934

+2cc to the Government Pleader, S.R.No. 50564 & 50563

W.P.Nos.2318 and 2609 of 2015

AK II(CO)
GN(13/10/2021)