



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.36165 OF 2015

AND

W.M.P.NO.10536 OF 2016

Akkaraipatti Varuvai Grama Thazhthapattor,
Meenavar Sangam (Reg.No.80/2011)
Represented by its President,
Akkaraipatti, Namakkal.

... Petitioner

.Vs.

1. The State of Tamil Nadu,
Rep. by the District Collector,
Collector's Office, Namakkal.
2. The Executive Engineer,
Public Works Department, W.R.O.,
Sarabanga Division,
Namakkal District.
3. The Assistant Executive Engineer,
Public Works Department (Waterworks),
Rasipuram, Namakkal District.
4. Akkaraipatti Mandram
Rep. By its President N.Rajendran,
Rasipuram Taluk, Akkaraipatti,
Namakkal District.

... Respondents

[R4 impleaded vide order of this
Court [SMSJ] made in W.M.P.No.8613 of 2016
in W.P.No.36165 of 2015 dated 06.10.2021]

PRAYER:-

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Order Ka.No.Ko.15/2015/Eva.a/ dated 25.09.2015 issued by the third respondent declining the lease and the letter Ka.No.766/Ko.15/2015/Eva.a dated 15.10.2015



issued by the third respondent and quash the same as being illegal, arbitrary and unconstitutional and consequently issue a direction to the first and second respondents to consider the request made by the petitioner for extension of fishing lease for the year 2015-2016 in the Akkaraipatti Chinna lake and grant the same with all consequential rights and benefits to the petitioner, award costs.

For Petitioner : Mr.C.K.Chandrasekar

For Respondents : Mr.K.M.D.Muhilan
Government Advocate
(for R1 to R3)

Mrs.P.Mahalakshmi
(for R4)

ORDER

The relief sought for in the present writ petition is to call for the records relating to the Order Ka.No.Ko.15/2015/Eva.a/ dated 25.09.2015 issued by the third respondent declining the lease and the letter Ka.No.766/Ko.15/2015/Eva.a dated 15.10.2015 issued by the third respondent and quash the same as being illegal, arbitrary and unconstitutional and consequently, issue a direction to the first and second respondents to consider the request made by the petitioner for extension of fishing lease for the year 2015-2016 in the Akkaraipatti Chinna lake and grant the same with all consequential rights and benefits to the petitioner, award costs.

2. The relief sought itself reveals that the extension of fishing lease is sought for the year 2015-16. The writ petition was filed in the year 2015 and the lease expired. However, it is brought to the notice of this Court that as per the Revenue Board Standing Orders, certain preferences are given to persons for such fishing rights. As per the counter filed by the respondents relying on the said Government Orders, the preferences are said to be given to the Co-operative Societies at the first instance comprised of fishermen, in other words, Fishermen Co-operative Societies, are to be given preference in the matter of grant of fishing rights. Further, petitioner is not a Co-operative Society and therefore, the preference as per the standing orders, cannot be claimed by the petitioner.

3. Beyond the Revenue Standing Orders now the government has taken a policy decision to grant fishing rights by conducting open public auction. Thus, all the eligible persons are entitled to participate in the open public auction. Considering



the revenue factor, now the fishing rights are more competitive and commercial in nature. Thus, the government took a policy decision to give such rights by conducting open public auction.

4. This being the factum, the petitioner is at liberty to participate in the open public auction, if any notified for the purpose of grant of the fishing rights, however, subject to the eligibility and other conditions. The respondents are directed to conduct open public auction, by following the procedures as contemplated.

5. With these observations, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
State of Tamil Nadu,
Collector's Office,
Namakkal.
2. The Executive Engineer,
Public Works Department, W.R.O.,
Sarabanga Division,
Namakkal District.
3. The Assistant Executive Engineer,
Public Works Department (Waterworks),
Rasipuram, Namakkal District.

+1cc to the Government Pleader, S.R.No.53183

W.P.NO.36165 OF 2015

PL(CO)
PBS/30/11/2021