

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.04.2021
CORAM :
The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY
W.P.No.10294 of 2021
and W.M.P.Nos.10885 to 10887 of 2021

Angamuthu

.. Petitioner

-vs-

- 1.The District Collector,
District Collector Office,
Salem.
- 2.The Block Development Officer,
Thalaivasal Panchayat Union,
Salem District.
- 3.The Executive Engineer,
Public Works Department (WRD),
Sarabanga Basin Division,
Salem.
- 4.The Assistant Executive Engineer,
Public Works Department (WRD),
Sarabanga Basin Division, Attur,
Salem District.
- 5.The Assistant Engineer,
Public Works Department (WRD),
Sarabanga Basin Division,
Thalaivasal, Salem District.

6.Revathi Sureh

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the impugned order in LR.No.162/2020/T2 dated 05.02.2021 issued by the 3rd respondent and quash the same and consequently to direct the 1st to 5th respondents to ensure that the fishing rights should be given to the villagers of Nallur Village, Thittachery Panchayat, as like the method followed ever since based on the petitioner's representation dated 05.03.2021.

For Petitioner : Mr.M.Rajendiran
For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader
for RR 1 to 5

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The writ petitioner complains of the grant of the right to lease out fishing rights in respect of the Nallur lake at Thittacheri Panchayat in favour of the President of the Thittacheri Panchayat.

2. The petitioner states that there are 300 families residing in the Nallur village and the said village has agricultural lands extending to about 500 acres. The Nallur lake is the primary source of water for the adjoining lands and for the augmentation of the water table. The writ petitioner complains about the proceedings dated 05.02.2021 of the third respondent, whereby the President of the Panchayat was permitted to grant a lease as regards fishing rights in the Nallur village. Pursuant thereto, it is stated that the Panchayat President has leased out the fishing rights to one Gomathi Kulanthaivel, President of the Lathuvadi Panchayat, which is adjacent to Thittacheri. It is further stated that the leasing rights as regards the Lathuvadi lake have been granted to the fifth respondent.

3. According to the writ petitioner, the lake is owned by the Public Works Department, but in spite of several representations requesting that fish farming be stopped, no action has been taken thereon.

4. Mr.V.Jayaprakash Narayanan, learned State Government Pleader, accepts notice on behalf of respondents 1 to 5. He states that the complaint with regard to the grant of fishing rights in the Nallur lake should be addressed by respondents 3 to 5 herein. As regards the complaint against the President of the Panchayat, he states that the second respondent is the appropriate authority to initiate action in respect thereof.

5. Accordingly, without examining the merits of the matter, the petitioner herein is permitted to carry representations to respondents 2 to 5 herein in respect of the grievances canvassed in this writ petition. Such representations shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the official respondents concerned shall consider and dispose of the said representations by a reasoned order within a period of eight weeks from the date of receipt thereof, after providing a reasonable opportunity to

all parties affected thereby including the President of the Thittacheri Panchayat and the sixth respondent herein.

6. In view of the fact that the merits of the matter have not been examined and because the official respondents have been directed to hear the private respondents before passing orders on the representations, the writ petition is being disposed of without notice to the private respondents.

W.P.No.10294 of 2021 is disposed of without any order as to costs. W.M.P.Nos.10885 to 10887 of 2021 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The District Collector,
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Sarabanga Basin Division,
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- 4.The Assistant Executive Engineer,
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Sarabanga Basin Division, Attur,
Salem District.
- 5.The Assistant Engineer,
Public Works Department (WRD),
Sarabanga Basin Division,
Thalaivasal, Salem District.

+1 cc to M/s.M.Rajendiran, Advocate, SR.NO.24855

PL(CO)
NS(04/05/2021)

W.P.No.10294 of 2021

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