



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.13954 OF 2019
AND

W.M.P.NOS.14005 AND 14007 OF 2019

1. K.Chinnadurai
2. P.Govindha Samy
3. V.Kuppan
4. G.Govinda Samy

... Petitioners

.Vs.

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.
3. The Tahsildar,
Krishnagiri Taluk,
Krishnagiri.
4. The Superintending Engineer,
Tamilnadu Electricity Board,
Krishnagiri.
5. Perumal
6. P.Shanmugam
7. K.Shanmugam
8. Ramesh
9. Chinnaraj

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents 1 to 4 to remove the encroachments in the Gooliyam



Lake in Survey No.147/1 and 147/2 to the extent of 3.72 hectares and 0.16 hectare respectively; by implementing the decision taken in peace meeting dated 06.08.2018 and forbear the Respondents 1 to 4 from retendering the fishing rights in the gooliyam lake in S.No.147/1 and 147/2 Gooliyam village in Krishnagiri.

For Petitioners : Mr.Adithyraj
For ***M/s.P.Wilson Associates**

For Respondents : Mr.P.Muthukumar
Counsel for State
For RR 1 to 3

: Mr.M.R.Jothimanian
For RR 6 to 9

: No appearance for RR 4 & 5

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

There are two aspects to this matter, apparently filed in public interest: The petitioners complain of encroachments in the Gooliyam Lake in Survey Nos.147/1 and 147/2 in Sembadamuthur Village of Krishnagiri Taluk and District; and, the petitioners seek a prohibition on fishing in the Gooliyam lake.

2. According to the State, there are disputes between two groups of persons in the village and a meeting was recently held whereat some persons who had encroached on a part of the lake had agreed to remove themselves. As to the fishing rights, the private respondents claim that an order has been issued in their favour in 2018 after directions in such regard were issued by this court in a petition under Article 226 of the Constitution.

3. Mr.P.Muthukumar appearing for the official respondents, however, submits that fishing in the relevant lake has been prohibited for sometime and such prohibition is still in place.

4. As far as the grievance pertaining to encroachment is concerned, it is more than likely that the encroachments no longer remain. However, the third respondent Tahsildar of Krishnagiri Taluk is directed to keep a strict vigil and ensure that there is no encroachment and further that the previous encroachers do not return.



5. It will also be open to the petitioners herein to file a detailed, fresh representation as to encroachment to the third respondent Tahsildar within a fortnight from date, whereupon the Tahsildar will conduct an independent inquiry by inspecting the site and affording both the petitioners herein and others likely to be affected by his order a reasonable opportunity of being heard. The reasoned decision of the Tahsildar should be communicated both to the petitioners and the private respondents herein within six weeks of the receipt of the petitioners' representation. The Tahsildar should pass a speaking order.

6. In view of the State's submission that fishing is now prohibited in Gooliyam lake, the second aspect of the matter need not be addressed any further. To the extent that the private respondents say that they have a right to carry out fishing in the relevant lake pursuant to an order passed by the Collector or some other official, it will be open to the private respondents to pursue their remedies in accordance with law, upon notice to the petitioners herein.

7. W.P.No.13954 of 2019 is disposed of. W.M.P.Nos.14005 and 14007 of 2019 are closed. There will be no order as to costs.

8. In the event any encroachment is discovered, whether in the lake or on the Government land surrounding the same, the third and fourth respondents should take immediate appropriate action in accordance with law.

Sd/-
Deputy Registrar (CS)
Dated 23/08/2021

***Corrected as per letter**
Dated : 25.08.2021

Sd/-
Sub Assistant Registrar (CO I)
Dated : 02/09/2021

//True Copy//

Sub Assistant Registrar

sra



To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.
3. The Tahsildar,
Krishnagiri Taluk,
Krishnagiri.
4. The Superintending Engineer,
Tamilnadu Electricity Board,
Krishnagiri.

**To be substituted to the
order already despatched
on 25/08/2021**

+1cc to Mr.P.Wilson Associates, Advocate, S.R.No.41312

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.41454

W.P.NO.13954 OF 2019

KSM(CO)
PBS/23/08/2021
RVM(02/09/2021)