



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-09-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.44646 of 2016

And

WMP No.38439 of 2016

Sowcar Zainul Abideen

.. Petitioner

VS.

1.The District Collector,
Vellore District.

2.The Tahsildar,
Walajah Taluk,
Vellore District.

3.The President,
Nandiyalam Panchayat,
Walajah Taluk,
Vellore District.

4.The Block Development Officer,
Arcot Block,
Vellore District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the third and fourth respondents, their men, servants, agents and subordinates from, in any manner, interfering with the exercise of the petitioner's fishing rights in Survey No.667, admeasuring 65.98 acres, situated in Nandiyalam Village, Walajah Taluk, Vellore District.

For Petitioner : Mr.V.Raghavachari

For Respondents-1,2&4 : Mr.C.Kathiravan,
Government Advocate.

O R D E R

The relief sought for in the present writ petition is to forbear the third and fourth respondents, their men, servants, agents and subordinates from, in any manner, interfering with



the exercise of the petitioner's fishing rights in Survey No.667, admeasuring 65.98 crores, situated in Nandiyalam Village, Walajah Taluk, Vellore District.

2. The petitioner states that the resettlement proceedings in the year 1986 have confirmed the fishing rights to the grandmother of the petitioner during the year 2007.

3. During the year 2011, the second respondent in proceedings dated 07.11.2011, after conducting an enquiry, given a finding to that effect that wherein the fishing rights over Sowcar Eri is being enjoyed by the petitioner continuously.

4. The learned counsel for the petitioner states that the petitioner submitted a representation on 08.12.2016 to the District Collector, Vellore District and the said representation is yet to be considered.

5. This Court is of the considered opinion that fishing rights are to be granted strictly in accordance with the procedures contemplated and in a transparent manner.

6. It is not as if such fishing rights can be claimed as a matter of right by one person. Such rights are to be conferred in a transparent manner and based on the procedures and the Rules in this regard.

7. However, the petitioner submitted an application on 08.12.2016 and about five years have lapsed. Thus, the petitioner is at liberty to submit a fresh representation along with the earlier representation to the District Collector, Vellore District, who in turn has to consider the same on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. However, the grant of fishing rights must be in consonance with the procedures as well as the Rules in force.

8. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

Svn



To

1.The District Collector,
Vellore District.

2.The Tahsildar,
Walajah Taluk,
Vellore District.

3.The President,
Nandiyalam Panchayat,
Walajah Taluk,
Vellore.

4.The Block Development Officer,
Arcot Block,
Vellore District.

+1CC to M/s.V.Raghavachari, Advocate, SR.No. 49344

+1CC to The Government Pleader, SR.No. 49774

WP 44646 of 2016

PM(CO)

B.VC (27/10/2021)