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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.23141 of 2021
& WMP Nos.24409 & 24410 of 2021

Sathish,
S/o. Settu

... Petitioner

-Vs-

- 1 The Director of Fisheries,
Fisheries Department,
Saidapet, Chennai.
- 2 The Deputy Director of Fisheries,
O/o. The Deputy Director of Fisheries
(Zonal), Opp. To District Collectorate,
Dharmapuri.
- 3 The Assistant Director of Fisheries,
Inland Fisheries,
Krishnagiri.
- 4 The Secretary,
Public Works Department,
Government of Tamil Nadu,
Namakkal Kavingar Maaligai,
Secretariat, Chennai.
- 5 The Secretary,
Municipal Administration and Water
Supply Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
- 6 The District Collector,
Krishnagiri Dt.
- 7 The Executive Engineer,
PWD, Water Resource Organisation,
Melpennayaru Basin Zone,
Dharmapuri-5.



8 The Tahsildar,
Pochampalli,
Krishnagiri Dt.

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9 The President,
Kaveripattinam Parvadha Rajakulam
Fisherman Cooperative Society,
Krishnagiri Dt.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 9th respondent to implement the order passed by the 3rd respondent in Na.Ka.No.2205/E/2019 dated 08/2021 with regard to carrying on the fishing activities in Pulliyur Jambu Yeri by allowing the petitioner and members jointly and prohibit the 9th respondent in sub-contracting or assigning the fishing rights of Pulliyur Jambu Yeri by allowing the petitioner and members jointly and prohibit the 9th respondent in sub-contracting or assigning the fishing rights of Pulliyur Jambu Yeri in favour of any one or two of its members alone or non-members of the society.

For Petitioner : Mr.P.Paramasiva Doss

For Respondents: Mr.U.Baranidharan,
Govt. Advocate for R1 to R8

Mr. Baladhanraj for R9

O R D E R

This writ petition has been filed for the issue of a Writ of Mandamus directing the ninth respondent to implement the orders passed by the third respondent through proceedings dated 27.08.2021.

2. The case of the petitioner is that the third respondent called for tenders from interested parties and by proceedings dated 29.06.2021, the fishing rights pertaining to Pulliyur Jambu Yeri was allotted in favour of the sixth respondent Society. The fishing rights were granted for a period of five years commencing from 2021-22 and ending with 2025-26. The further case of the petitioner is that the fishing rights will have to be enjoyed by all the members belonging to the ninth respondent society. The grievance of the petitioner is that the ninth respondent is attempting to give the fishing rights in favour of certain persons by way of subcontracting the work.



3. Complaints were given before the third respondent in this regard and the third respondent, through proceedings dated 27.08.2021 directed that the fishing rights will be collectively enjoyed by all the members of the Society. It was further stated that the same should be complied and reported.

4. The grievance of the petitioner is that in spite of the specific directions issued by the third respondent, the same has not been complied with by the ninth respondent and left with no other alternative, the present writ petition has been filed with the aforesaid prayer.

5. Heard Mr.P.Paramasiva Doss, learned counsel appearing for the petitioner, Mr.U.Baranidharan, learned Government Advocate for the respondents 1 to 8 and Mr.Baladhanraj, learned counsel appearing for the ninth respondent.

6. Taking into consideration the facts and circumstances of the case and also the proceedings of the third respondent dated 27.08.2021, there shall be a direction to the ninth respondent to permit the members of the Society to jointly enjoy the fishing rights at Pulliyur Jambu Yeri and no subcontracting or assignment of the fishing rights shall be done by the ninth respondent. The third respondent shall ensure that this order is complied with by the ninth respondent.

7. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

KST

To

1 The Director of Fisheries,
Fisheries Department,
Saidapet, Chennai.



2 The Deputy Director of Fisheries,
O/o. The Deputy Director of Fisheries
(Zonal), Opp. To District Collectorate,
Dharmapuri.

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3 The Assistant Director of Fisheries,
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Secretariat, Chennai.

5 The Secretary,
Municipal Administration and Water
Supply Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

6 The District Collector,
Krishnagiri Dt.

7 The Executive Engineer,
PWD, Water Resource Organisation,
Melpennayaru Basin Zone,
Dharmapuri-5.

8 The Tahsildar,
Pochampalli,
Krishnagiri Dt.

9. The President,
Kaveripattinam Parvadha Rajakulam
Fisherman Cooperative Society,
Krishnagiri District.

+1cc to Mr.J.Pradeep, Advocate SR.No.55319

+1cc to Government Pleader SR.No.55418

W.P.No.23141 of 2021
& WMP Nos.24409 & 24410 of 2021

GPL(CO)
GMY(15/11/2021)