



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26059 of 2021

M. Sridhar

.....Petitioner

Vs

1. The District Collector,  
Namakkal District, Namakkal.
2. The Assistant Director of Fisheries,  
Mettur Dam, Salem District.
3. The Executive Engineer,  
Public Works Department,  
Water Resources Organization,  
Sarabanga Basin Division,  
Namakkal, Namakkal District.
4. The President,  
Pallipalayam Avarankadu Fisherman,  
Cooperative Society,  
Jedarpalayam,  
Namakkal District.
5. Thangavel,  
President,  
Pallipalayam Avarankadu,  
Fisherman Cooperative Society,  
FMR No.13,  
Avarankadu,  
Pallipalayam,  
Komarapalayam Taluk,  
Namakkal District.

.....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to lease out the fishery right to the members of the 4<sup>th</sup> Respondent society particularly name mentioned in the written representation dated 31.07.2021 for lease amount fixed by the respondents 1 to 3.



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For petitioner : Mr. C. Prakasam  
For Respondents : M/s. C. Sangamithirai,  
Special Government Pleader for R1 & R2  
: Mr. U. Baranidharan,  
Additional Government Pleader for R4  
: No Appearance for R3 & R5.

#### ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus, directing the respondents 1 to 3 to lease out the fishery right to the members of the 4<sup>th</sup> Respondent society particularly name mentioned in the written representation dated 31.07.2021 for lease amount fixed by the respondents 1 to 3.

2. M/s.C.Sangamithirai, Special Government Pleader takes notice for Respondents 1 & 2 & Mr.U.Baranidharan, Additional Government Pleader takes notice for 4<sup>th</sup> Respondent.

3. The case of the petitioner is that he is a member of the 4<sup>th</sup> Respondent society which was getting fishery rights for nine water bodies (eeries). While being so, the 5<sup>th</sup> respondent cooperative society, is getting fishery rights for five water bodies (eeries) by misrepresenting the name of the 4<sup>th</sup> respondent society and leasing out the fishery rights to the non-members of the society and getting personal benefits out of it. However, while the 5<sup>th</sup> respondent's brother was the president of the 4<sup>th</sup> Respondent Society, the act of leasing out the fishery right to the non-members was taking place. When the same was questioned, the 5<sup>th</sup> respondent had threatened the members of the society. Such being the case, the petitioner made a representation to Respondents 1 to 3 on 31.07.2021 to lease out the fishery right to the 4<sup>th</sup> respondent society for the lease amount fixed by them, however, till date no action has been taken on his representation. Hence, the present Writ Petition is filed seeking the above relief.

4. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to respondents 1 to 3 to consider the petitioner's representation dated 31.07.2021 and pass orders on the same within a particular time frame fixed by this Court.

5. The learned Government Advocate has no serious objection on the said order being passed and appropriate orders



will be passed on the petitioner's representation within a particular time frame fixed by this Court.

6. In view of the aforesaid submissions, this Court issues direction to Respondents 1 to 3 to consider the petitioner's representation dated 31.07.2021 and pass appropriate orders on the same in accordance with law within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The District Collector,  
Namakkal District, Namakkal.
2. The Assistant Director of Fisheries,  
Mettur Dam, Salem District.
3. The Executive Engineer,  
Public Works Department,  
Water Resources Organization,  
Sarabanga Basin Division,  
Namakkal, Namakkal District.
4. The President,  
Pallipalayam Avarankadu Fisherman,  
Cooperative Society,  
Jedarpalayam, Namakkal District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.65702

+1cc to the Government Pleader, S.R.No.65269

W.P.NO.26059 of 2021

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NSK 12/01/2022