



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2021

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9066 of 2021

Periyakulam Tank Water Users Association,
Rep. By its President Mr.Ayyasamy
S/o.Ayyappa Naidu,
Viswanathaperi Part I Village,
Sivagiri Taluk,
Tenkasi District.

... Petitioner

vs.

1)The District Collector,
Tenkasi District,
Tenkasi.
2)The Assistant Engineer,
Public Works Department(WRO)
Upper Vaippar Basin Section,
Sivagiri, Tirunelveli District.
3)The Special Officer/Block Development Officer,
Viswanathaperi Panchayat Union,
Sivagiri Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to grant fishing right activities of Periyakulam Tank, Viswanathaperi Part-I Village, Sivagiri Taluk, Tenkasi District to the petitioner's Association for this Fasli Year 1430 - 1431 based on the petitioner's representation dated 19.04.2021 within the time limit that may be stipulated by this Court.

For Petitioner
For Respondents

: Mr.G.Thalaimutharasu
: Mr.P.Thilak Kumar
Counsel for Government of Tamil Nadu

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to grant fishing right
<https://hcservices.ecourts.gov.in/hcservices/>



activities of Periyakulam Tank, Viswanathaperi Part-I Village, Sivagiri Taluk, Tenkasi District, to the petitioner's Association for this Fasli Year 1430 - 1431, based on the petitioner's representation, dated 19.04.2021.

2.The learned counsel for the petitioner would state that the petitioner is the President of "Periyakulam Tank Water Users Association" formed under Section 4 of the Tamil Nadu Farmers Management of Irrigation Systems Act, 2000 (7 of 2001). He would further state that Periyakulam River is the only water source of Periyakulam Tank. From 2018, the 2nd respondent/Public Works Department is conducting fishing auction in Periyakulam Tank. As per G.O.Ms.No.332, Animal Husbandary and Fisheries Department, dated 17.11.1993, all the fishing leases should be granted for five years by following the order of preference i.e., firstly to the Co-operative Societies comprising of fishermen and Harijans engaged in fishing, secondly to the panchayat of the locality and if no persons are available in both the categories, it should be given to private individuals. If the fishing licence is granted to third parties, certainly they will indulge in fishing activity by polluting the tank water by adding chemicals for the growth of the fish. Therefore, the petitioner's association filed W.P(MD)No.27356/2019 to grant fishing rights activities to them for the previous Fasli year and when the said writ petition was pending adjudication, the official respondents orally assured to consider the petitioner's request and therefore, the petitioner withdrew the said writ petition. While so, to the shock and surprise of the petitioner, the 2nd respondent issued auction notice dated 21.01.2021 for leasing out the fishing rights of Periyakulam Tank for a period of three years. Thus, the petitioner's association has made a representation to the respondents through registered post on 19.04.2021 requesting them to lease out the fishing rights to the petitioner's association for the Fasli year 1430 to 1431. Since no orders have been passed on the said representation, this writ petition has been filed.

3.The learned Government counsel for the respondents would state that the respondents will consider and pass orders on the petitioner's representation dated 19.04.2021 within a time frame to be fixed by this Court.

4.Heard the learned counsel for the petitioner as well as the respondents.

5.Considering the submissions made by the learned counsel for the petitioner as well as the respondents and without advertting to the merits of the case, the respondents are directed to consider the representation of the petitioner dated 19.04.2021 and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (W)

WEB COPY // True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1) The District Collector,
Tenkasi District,
Tenkasi.

2) The Assistant Engineer,
Public Works Department (WRO)
Upper Vaippar Basin Section,
Sivagiri, Tirunelveli District.

3) The Special Officer/Block Development Officer,
Viswanathaperi Panchayat Union,
Sivagiri Taluk,
Tirunelveli District.

+1 CC to M/s. G. THALAIMUTHARASU, Advocate (SR-18633[F] dated 02/06/2021)

+1 CC to M/s. SPL GP (SR-18730[F] dated 03/06/2021)

ORDER MADE IN
W.P (MD) No. 9066 of 2021
DATED : 02.06.2021

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KK (15.06.2021) 3P 6C