



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD).No.14215 of 2021

and

W.M.P (MD) Nos.11165 & 11166 of 2021

WEB COPY

DD58 Periyakulam Fisherman Co-operative
Society,
Represented by its
President
R.Murugenthiran,
S/o.Rasuthevar,
Manjalaru Dam,
Periyakulam,
Theni District.

... Petitioner

Vs.

- 1.The Director of Fisheries,
Fisheries Department,
Saidapet,
Chennai.
- 2.The Deputy Director of Fisheries,
O/o.Deputy Director of Fisheries,
Madurai,
Madurai District.
- 3.The Assistant Director of Fisheries,
Theni Zone,
Vaigaidam, Aundipatty,
Theni District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondent Nos.1 to 3 herein to grant lease of Fishing rights in Tamaraikulam Tank situated in Periyakulam, Theni to the petitioner's society namely DD58 Periyakulam Fisherman Co-operative Society on preferential basis by fixing appropriate upset price in accordance with G.O.Ms.No.201, dated 19.10.2017 issued by the Animal Husbandry, Dairying and Fisheries Department based on the request through representation, dated 10.06.2021, 10.07.2021 and 03.08.2021.

For Petitioner : Mr.A.Mithun Chakravathi

For R1 to R3 : Mr.R.Baskaran
Counsel for State



ORDER

The petitioner seeks the grant of fishing rights in the Thamaraiikulam Tank at Periyakulam, Theni District.

2. The petitioner is a Fisherman Co-operative Society and, therefore, claims preferential right to fishing rights in terms of G.O.Ms.No.201, Animal Husbandry, Dairying and Fisheries (FS-6) Department, dated 19.10.2017. The petitioner relies on an amendment made in G.O.Ms.No.33 in terms of which the local Fisherman Co-operative Society shall be given priority for taking lease of fishing rights of intensive inland fish culture tanks before leasing through public tender by paying the upset price upfront.

3. The petitioner refers to the previous lease agreement dated 18 July, 2018. On such basis, the petitioner points out that the lease period ended on 30 June, 2021. In fact, the petitioner also points out that the exploitation of fishing rights was adversely impacted due to the COVID-19 pandemic and, therefore, the petitioner could not derive the full benefit from the earlier lease.

4. After expiry of the lease period, the petitioner points out that the respondents are under an obligation to fix the upset price and offer lease rights at such upset price to the petitioner Society. However, this has not been done till date. Consequently, the petitioner complains that unauthorized persons are resorting to unlawful fishing activities in the said tank and that this is detrimental to the interest of the members of the petitioner Society.

5. Mr. R. Baskaran, learned counsel for the State, accepts notice on behalf of all the three respondents. He submits that the respondents may be directed to consider the petitioner's representation and dispose of the same expeditiously.

6. The documents on record indicate clearly that a lease had been granted to the petitioner Society on 25.02.2019 and such lease extended for a three year period, which ended on 30th June 2021. A perusal of G.O.Ms.No.201, dated 19.10.2017, also indicates that societies such as the petitioner are entitled to priority provided they are ready and willing to accept the lease at the upset price fixed by the Fisheries Department. Therefore, it is clear that the Fisheries Department should fix the upset price within a reasonable time after the expiry of the earlier lease. In the case at hand, in spite of the petitioner submitting multiple representations, it appears that no action has been taken. Therefore, it is just and necessary that the respondents are directed to consider the petitioner's representation and act thereon quickly.

7. Accordingly, W.P.(MD).No.14215 of 2021 is disposed of by directing the respondents to consider the petitioner's representation dated 03.08.2021 and pass a reasoned order thereon.



within a period of thirty (30) days from the date of receipt thereof by taking into account G.O.Ms.No.201, Animal Husbandry, Dairying and Fisheries (FS-6) Department, dated 19.10.2017. There will be no order as to costs. Consequently, W.M.P.(MD).Nos.11165 and 11166 of 2021 are closed.

WEB COPY

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 Director of Fisheries,
Fisheries Department,
Saidapet,
Chennai.
- 2.The Deputy Director of Fisheries,
O/o.Deputy Director of Fisheries,
Madurai,
Madurai District.
- 3.The Assistant Director of Fisheries,
Theni Zone,
Vaigaidam, Aundipatty,
Theni District.

+1 CC to M/s.GP (SR-26366[F] dated 16/08/2021)

W.P. (MD) .No.14215 of 2021
and

W.M.P (MD) Nos.11165 & 11166 of 2021
13.08.2021

RK (23.08.2021) 3P 5C