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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.5927 of 2022

P.L.Lakshmanan

...Petitioner

Vs

1.The District Collector,
Kancheepuram District.

2.The Block Development Officer,
Sriperumbudur Panchayat Union,
Sriperumbudur, Kancheepuram District.

3.The Asst. Engineer,
WRO, Irrigation Department,
Sriperumbudur, Kancheepuram District.

... Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 10.02.2022 and pass appropriate orders within stipulated time period fixed by this Court.

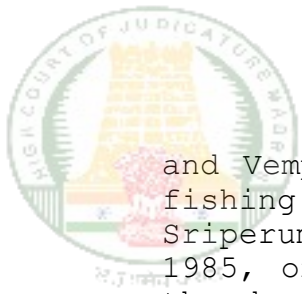
For Petitioner : Mr.T.Sundaravadanam

For Respondents: Mr.R.Kumaravel
Additional Government Pleader

ORDER

This Writ Petition is filed for a direction to the 1st respondent to consider the petitioner's representation dated 10.02.2022.

2.According to the petitioner, he is residing in Pillaipakkam Village, Sriperumbudur Taluk, Kancheepuram District. He and other villagers are using the water of Pillaipakkam lake for their agricultural activities and they also have the right of fishing in the said lake. The Villagers use the income derived from fishing in the lake for conducting festivals of Sri Dhilli Polatchiamman Temple, Selliamman Temple



and Vempuliamman Temple. Earlier an allotment was made to grant fishing right to one Inland Fisherman Co-operative Society, Sriperumbudur. The petitioner and six others filed O.S.No.191 of 1985, on the file of the District Munsif Court, Tiruvallur, for the declaration of the Co-nominee plaintiffs right of fishing in the tank; injunction restraining the Commissioner Panchayat Union Council, Sriperumbudur and the President, Inland Co-operative Fishermen, Sriperumbudur from interfering with the Co-nominee plaintiff's right of fishing in the Eri Tank in S.No.679 of 2017 to an extent of 734-84 cents in 158, Pillaipakkam Village, Sriperumbudur Taluk, Chengalpattu District. The said suit was decreed on 02.09.1987, restraining the Commissioner, Panchayat Union Council, Sriperumbudur from leasing out fishing right to Inland Fisherman Co-operative Society and it has been in force for more than 35 years.

3.Now, after the change of Public Works Department bifurcation into Water Resources Organization and Building, the WRO officials - the 3rd respondent herein started interfering with the lake by issuing auction notice dated 31.01.2022, proposing to lease out the fishing right for a sum of Rs.1,48,695/-. Hence, the petitioner gave a representation dated 10.02.2022, to the respondents herein and the Executive Engineer, WRO Department, Kancheepuram; and the Village Administrative Officer, Pillaipakkam Village, Sriperumbudur Taluk, Kancheepuram District, not to give fishing right to others and has come out with the present Writ Petition for a direction to the 1st respondent to consider the representation of the petitioner dated 10.02.2022, within a time frame fixed by this Court.

4.The 3rd respondent has filed counter affidavit. Mr.R.Kumaravel, learned Additional Government Pleader appearing for the respondents submitted that the Government has passed G.O.Ms.No.16 (Public Works (W2) Department) dated 14.01.2011, granting right to the Water Resource Department, (Formerly Public Works Department), to issue auction notice to lease out the fishing right by conducting public auction. Suppressing the said Government Order, the petitioner has come out with the present Writ Petition. The 3rd respondent has right to lease out the fishing right of Pillaipakkam Lake. The petitioner has no right with regard to the fishing. The lake in question belongs to the Government under the control of the Water Resource Department (Formerly Public Works Department). Hence, the 3rd respondent has issued notice to conduct public auction to lease out fishing right on 31.01.2022 and 21.02.2022. The petitioner prevented others from participating in the public auction and in view of the same, no auction was conducted and prayed for dismissal of the Writ Petition.



5. Heard the learned counsel appearing for the petitioner as well as Mr.R.Kumaravel, learned Additional Government Pleader appearing for the respondents and perused the materials on record.

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6. From the above materials, it is seen that the grievance of the petitioner is that if the fishing right of Pillaipakkam lake is given to others, the 3rd party interest will come in, who will be interested only in fishing and will not take interest in using the water for irrigation. From the counter affidavit filed by the 3rd respondent, it is seen that the Government passed order in G.O.Ms.No.16 (Public Works (W2) Department), dated 14.01.2011, with regard to the auctioning of fishing right and has also clarified as to how the income derived by such auction to be shared with Association of farmers, who are utilising the water for irrigation purpose. The petitioner has not denied the existence of the said Government Order and he has not challenged the same.

7. In view of the above said materials and G.O.Ms.No.16 (Public Works (W2) Department) dated 14.01.2011 is in force, the petitioner is not entitled for the relief sought for in the Writ Petition. Hence, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Kancheepuram District.

2. The Block Development Officer,
Sriperumbudur Panchayat Union,
Sriperumbudur, Kancheepuram District.

3. The Asst. Engineer,
WRO, Irrigation Department,
Sriperumbudur, Kancheepuram District.

+1cc to Mr.T.Sundaravadanam, Advocate SR.No.21424

+1cc to Government Pleader SR.No.21732

W.P.No.5927 of 2022

PMK (CO)
GMY (18/04/2022)