



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.7993 of 2022 &
WMP.No.7981 of 2022

T.Panneerselvam

...Petitioner

Vs.

1.The Executive Engineer,
Water Sources Department,
Kosasthaliyar Division,
Thiruvallur District.

2.The Commissioner of Fisheries,
Nandanam, Chennai-600035

3.The Assistant Director of Fisheries
Thiruvallur

(R2 and R3 suo motu impleaded on 31.03.2022)

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus directing the respondent to extend the petitioner right of fishing in Mappedu Eri, Thiruvallur Taluk and District by considering the petitioner's representation dated 08.03.2022.

For Petitioner : Mr.N.L.Rajah,
Senior Counsel for
Mr.P.Krishnan

For Respondents : Mr.C.Jayaprakash
Government Advocate

O R D E R

Mr.C.Jayaprakash, learned Government Advocate accepts notice for the respondents and is in possession of the facts and circumstances involved in the matter to enable a final disposal even at the stage of admission. Hence, by consent expressed by Mr.N.L.Rajah, learned Senior Counsel for Mr.P.Krishnan, learned counsel on record for the petitioner and Mr.C.Jayaprakash, learned Government Advocate, this writ petition is disposed finally even at this stage.



2. The Commissioner of Fisheries, Nandanam, Chennai-92 and the Assistant Director of Fisheries, Thiruvallur being a proper and necessary party are suo motu impleaded in this writ petition as R2 and R3.

WEB COPY

3. The petitioner is a resident of Mappedu Village, Thiruvallur and had bid successfully in the public auction conducted for fishing rights in the Mappedu Eri (Eri in question). The licence was from 21.01.2021 till 20.01.2022. Thus, as on date, the period of licence has expired. He has now approached R1 to extend the fishing rights in the Eri by considering his representation dated 08.03.2022.

4. The question that arises for resolution is as to whether the petitioner is entitled to the extension/renewal as sought on a combined application of G.O.Ms.No.201 dated 19.10.2017, G.O.Ms.No.332 dated 17.11.1993 and G.O.Ms.No.1286 dated 09.11.1984. Priority in allocation of fishing rights, as arising in G.O.Ms.No.201 dated 19.10.2017, must specifically be looked into for this purpose.

5. The above Government Orders have been referred to by a learned Single Judge of this Court in W.P.(Md) No.23861 of 2017 and batch dated 27.03.2018 in Kamardeen and Others Vs. The State of Tamil Nadu and Others, at paragraphs 12 to 15 thereof, reiterating that the grant of fishing rights be conducted strictly in accordance with the aforesaid Government Orders.

6. Since the petitioner has made a representation before the Authorities seeking the same relief as before the Court now, it would suffice and in fact, would be more appropriate that the respondents be directed to look into the same and pass orders taking note of the aforesaid Government Orders and decision.

7. The representation of the petitioner dated 08.03.2022 is pending before R1 and will be disposed by him, taking assistance of R2 and R3 as well, within a period of two weeks from today, for which purpose the petitioner will appear before the authority on 04.04.2022. No notice need be issued in this regard as this order has been taken note of by both learned counsel. Let orders be passed in accordance with law and in line with the Government Orders above, on or before 08.04.2022.

8. Since learned Government Advocate would submit that steps are being taken to conduct auction in regard to the fishing rights for the Eri in question, let status quo be maintained till 08.04.2022 or till date of disposal of the representation, whichever is earlier.



WEB COPY

9. This writ petition is disposed in the above terms.
Connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

ska/vs

To

- 1.The Executive Engineer,
Water Sources Department,
Kosasthaliyar Division,
Thiruvallur District.
- 2.The Commissioner of Fisheries,
Nandanam, Chennai-600035
- 3.The Assistant Director of Fisheries
Thiruvallur

+1cc to M/s.P.Krishnan, Advocate, S.R.No.21612

+1cc to Government Pleader, in SR.No.22737

[08/04/2022]

W.P.No.7993 of 2022
&
WMP.No.7981 of 2022

VSN-II (CO)
RVM(01/04/2022)