



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.22867 of 2022 and
W.M.P.(MD)Nos.21949 to 21951 of 2022

FT. 45 Thanjavur Parvatha Rajakulla
Inland Fisherman Co-operative Society,
Rep. by its President P.Prathab,
1237, Kasi Pandithar Kula Street,
Karanthantankudi Post,
Thanjavur - 613 002.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by Secretary to Government,
Animal Husbandry and Fisheries Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Fisheries and
Fisherman Welfare,
Tamilnadu Fisheries and Fisherman
Welfare Department,
Nandanam, Chennai - 600 035.
3. The District Collector,
Thanajvur District, Thanjavur.
4. The Assistant Director,
Fishery and Fishermen Welfare Department,
Thanajvur District, Thanjavur.
5. The Divisional Engineer
Public Works Department,
Thanjavur District, Thanjavur.

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the production of the records relating to the impugned communication of 2nd Respondent dated 22.12.2021 in Na.Ka.No.19310/F4/2021 and the impugned notice of the 4th Respondent dated 19.10.2022 in Na.Ka.No.3428/A4/2022-7 and quash the same and consequently, direct the Respondents to grant license for fishing in tanks / ponds, lakes, rivers, canals etc., in taluks of Thanjavur, Thiruvaiyaru, Boothalur, Orathanadu, Pattukkottai and Peravoorani as per the revenue standing order 211 and G.O. (Ms)No.201, Animal Husbandry, Dairying and Fisheries Department dated 19.10.2017.

For Petitioner : Mr.C.Santhosh Kumar

For Respondents: Mr.M.Lingadurai,
Special Government Pleader.
* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is a Fisherman Co-operative Society. They challenge the communication dated 22.12.2021 issued by the second respondent to all the District Collectors of the State.



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3. The petitioner's counsel reiterated all the contentions set out in the affidavit filed in support of this petition and submitted that the impugned communication is not in consonance with Revenue Standing Order No.211 dated 17.11.1993. The learned counsel also drew my attention to the interim orders passed by some learned Judges of this Court.

4. I am not persuaded by the said submission of the learned counsel appearing for the petitioner. As rightly pointed out by the learned Special Government Pleader, the impugned communication has been issued strictly in consonance with the direction made by the Hon'ble Division Bench in W.A.(MD)No.1251 of 2020 and W.A.(MD)No.923 of 2020 vide order dated 03.02.2021. Paragraph No.10 of the said order reads as follows:-

“ 10. For the ensuing years, we call upon the official respondents, including the Secretary to Government, Fisheries Department, to adopt a different methodology as suggested by the learned Single Judge, by



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fixing the upset price and thereafter call for tender. The highest amount offered by the successful bidder will have to be offered to the Bodi Fisherman Society. It is better to follow this methodology in future in all cases, as the Government would not loose the revenue and in any case, fixation of the upset price is a starting point and the same will not be the actual price that will fetch in an auction. It is a price, which will facilitate somebody to take part in the auction, being the minimum value of the subject matter of the licence. ”

5. Therefore, Revenue Standing Order No.211 dated 17.11.1993 can no longer be invoked. Even now the writ petitioner does have the pre-emptive and preferential right. The only difference is that highest price will be determined in the public auction. Before conducting public auction, the department will have to fix the upset price. I do not find any merit in this writ petition.



6. This writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

16.12.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

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G.R.SWAMINATHAN,J.

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W.P.(MD)No.27867 of 2022

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