



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2716 of 2017 and

W.M.P. (MD)Nos.2251 of 2017 & 11439 of 2018

WEB COPY

S.Perumal,
S/o.Sudalaiyandi Thevar,
Administrative Committee Member,
Sri Vigna Vinayagar Temple,
22/B2, Amman Koil South Street,
Mela Sadayaman Kulam,
Moondradaippu Post,
Tirunelveli District.

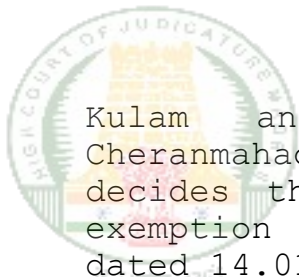
... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. By its Secretary,
Public Works (w-2) Department,
Fort St. George,
Chennai.
2. The District Collector,
Tirunelveli District,
Kokkirakulam,
Tirunelveli.
3. The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
4. The Tahsildar,
Cheranmahadevi Taluk,
Cheranmahadevi,
Tirunelveli District.
5. The Revenue Tribunal Officer,
O/o.The Tahsildar,
Cheranmahadevi Taluk,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the communication issued by the fifth respondent dated 17.06.2016 in Na.Ka.A2/2765/16 and quash the same as unsustainable under law and consequently directing respondents 2 to 4 to collect annual lease rent for the fisheries rights of Sri Vigna Vinayagar temple in the irrigation tanks namely Sadayaman



Kulam and Vilvarayan Kulam in Venkatrengapuram Village, Cheranmahadevi Taluk, Tirunelveli District till the Government decides the petitioner's representation dated 11.06.2013 seeking exemption from the purview of the G.O.No.16 Public (w2) Department, dated 14.01.2011.

For Petitioner : Mr.P.Subbiah
For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

* * *

O R D E R

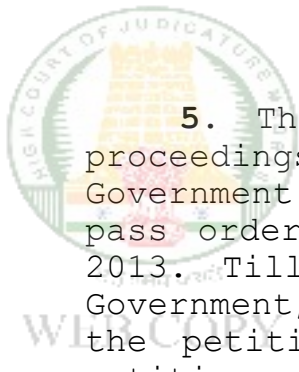
Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. The petitioner is associated with the management of Sri Vigna Vinayagar temple, Moondradaippu Post, Tirunelveli District. According to the petitioner, there are two tanks known as Sadayamankulam and Vilvarayan Kulam in the said village and that the fishery rights in the said tanks belong to the temple. However, the Public Works Department had been asserting that they are entitled to auction the fishery rights. In this regard, the petitioner filed W.P.(MD)No.14002 of 2011. A learned Judge of this Court vide Order dated 30.04.2013 disposed of the writ petition by permitting the petitioner to file an application for claiming exemption and the competent authority of the Government was directed to call for remarks from the District Collector of the concerned District as well as the officials of the Land Administration Department as well as the Public Works Department and thereafter pass final order after giving opportunity to both the parties. The petitioner subsequently filed W.P.(MD)No.18514 of 2013. The said writ petition was disposed of on 03.12.2019 with the following direction :-

'2. ... Be that as it may, the first respondent is directed to pass orders on the petitioner's representation dated 11.06.2013 on merits and in accordance with law within a period four weeks from the date of receipt of a copy of this order. ' '

3. It appears that the final order is yet to be passed. In the meanwhile the impugned memorandum dated 17.06.2016 has been passed rejecting the petitioner's request for accepting annual lease rent. According the authorities, it is only the Public Works Department which can lease out the fishery rights through public auction.

4. This rejection order dated 17.06.2016 passed by the Tahsildar, Cheranmahadevi, is put to challenge in this writ petition.



5. The issue had already been decided in the earlier writ proceedings and the petitioner had been directed to move the Government seeking exemption and the Government was also directed to pass orders. Such direction was reiterated in W.P.(MD)No.18514 of 2013. Till the petitioner obtains such exemption order from the Government, the subordinate authorities have to take the stand that the petitioner cannot claim any fishery rights. Admittedly, the petitioner is yet to obtain exemption. The order impugned in this writ petition does not call for any interference.

6. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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/06/2022

Sub Assistant Registrar(CS)

PMU

To:

- 1.The Secretary,
State of Tamil Nadu,
Public Works (w-2) Department,
Fort St. George, Chennai.
- 2.The District Collector,
Tirunelveli District,
Kokkirakulam, Tirunelveli.
- 3.The Revenue Divisional Officer,
Cheranmahadevi, Tirunelveli District.
- 4.The Tahsildar,
Cheranmahadevi Taluk,
Cheranmahadevi, Tirunelveli District.
- 5.The Revenue Tribunal Officer,
O/o.The Tahsildar,
Cheranmahadevi Taluk,
Cheranmahadevi, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-25454[F] dated 13/06/2022)

W.P. (MD)No.2716 of 2017

09.06.2022

dks (CO)

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