



W.P.No.3407 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.3407 of 2021

and

W.M.P.No.3895 of 2021

- 1.M.Ramachandran
- 2.Kaliyan
- 3.Munusamy
- 4.K.Gurunathan

... Petitioners

Vs.

- 1.The District Collector and
Inspector of Panchayats,
Kallakurichi District,
Kallakurichi.
- 2.The Block Development Officer,
Sankarapuram Panchayat Union,
Sankarapuram,
Kallakurichi District.
- 3.The Tahsildar,
Sankarapuram Taluk,
Sankarapuram,
Kallakurichi District.
- 4.The Village Administrative Officer,
Mookanur Revenue Village,
Mookkanur,
Sankarapuram Taluk,
Kallakurichi District.



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5.The Assistant Executive Engineer,
Irrigation/WRO,
Public Works Department,
Vellar Basin Sub Division,
Kallakurichi,
Kallakurichi District.

6.The Assistant Engineer,
Irrigation Section/WRO,
Public Works Department,
Kallakurichi,
Kallakurichi District.

7.The Inspector of Police,
Sankarapuram Police Station,
Sankarapuram,
Sankarapuram District.

8.Sakkarai

9.Venkaresan

10.Settu

11.Muniyan

12.T.Purushothaman,
Preseident of Mookanur Gramam,
Vivasayam Eri Pasanadaragal Sangam,
Mookkannur (Post & Village),
Sankarapuram Taluk,
Kallakurichi District – 606 402.

... Respondents

[R12 impleaded vide order dated 20.03.2023 made
in W.M.P.No.6983 of 2022 in W.P.No.3407 of 2021]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 7 from granting any lease or permission in respect of fishing rights/activities in the Mookanur Tank, situated at Mookkanur Village, Sankarapuram Taluk,



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Kallakurichi District and consequently, direct the respondents 1 to 6 to distribute the water sharing equally to the petitioners' agricultural lands, situated at lower field of Mokkanur Village, Sankarapuram Taluk, Kallakurichi District.

For Petitioners : Mr.M.R.Jothimanian

For Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader [R1 to R7]
M/s.T.Malaichamy [R8]

ORDER

The Writ Petition has been filed seeking for a Writ of Mandamus, to forbear the respondents 1 to 7 from granting any lease or permission in respect of fishing rights/activities in the Mookkanur Tank, situated at Mookkanur Village, Sankarapuram Taluk, Kallakurichi District and consequently, to direct the respondents 1 to 6 to distribute the water sharing equally to the petitioners' agricultural lands, situated at lower field of Mokkanur Village, Sankarapuram Taluk, Kallakurichi District.

2. The case of the petitioners is that the petitioners are the residents of Sivapuram Village, Mookkanur Panchayat and they are doing agriculture in Mookkanur Village from the water of Mookkanur Tank. The private respondents formed a group and granting lease for fishing rights in the said



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Mookkanur Tank. Therefore, they seek a mandamus directing the respondents 1 to 7 to take appropriate action against the private respondents for their activities of illegal fishing and the denial of water from Mookkanur Tank to them and others and to ensure that there is equal distribution of water to all agricultural lands situated in the lower field of Mookkanur Panchayat.

3. The learned counsel for the petitioners would submit that on 31.12.2020, the sixth respondent by his letter has directed the respondents 3, 4 and 7 to initiate measures for control of illegal fishing activities and also suggested that regulatory action be taken and the villagers instructed accordingly in this regard. Even then, the private respondents are doing illegal fishing in the said tank. Hence, he prays for appropriate directions.

4. The learned Additional Government Pleader appearing for the respondents 1 to 7 would submit that the prayer sought in the writ petition is to distribute the water from the tank to the agriculturalists, who are having agricultural lands in the lower field of the Mookkanur Village. He would submit that, though the fishing rights is granted in favour of the private respondents, top most priority will be given for irrigation rather than fishing activities. He would further submit that the fishing rights will be granted in



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terms of G.O.Ms.No.201 (Animal Husbandry, Dairying and Fisheries (FS-6)

Department), dated 19.10.2017. Accordingly, he prays for dismissal of the writ petition.

5. Recording the aforesaid submissions, this Court, directs the officials respondents to grant fishing rights in terms of G.O.Ms.No.201 (Animal Husbandry, Dairying and Fisheries (FS-6) Department), dated 19.10.2017 and to take appropriate action against the persons, who are doing illegal fishing activities in the Mookkanur Tank. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

20.03.2023
(2/4)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

1.The District Collector and
Inspector of Panchayats,
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Kallakurichi.

2.The Block Development Officer,
Sankarapuram Panchayat Union,
Sankarapuram,
Kallakurichi District.



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M.DHANDAPANI, J.

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- 3.The Tahsildar,
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Sankarapuram, Kallakurichi District.
- 4.The Village Administrative Officer,
Mookanur Revenue Village,
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