



WEB COPY



W.P.No.3684 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.3684 of 2023

and

W.M.P.Nos.3777 & 388 of 2023

K.Palanisamy

... Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Commissioner,
Sankagiri Panchayat Union,
Sankagiri, Salem District.

3.The Block Development Officer,
Sankagiri Panchayat Union,
Sankagiri, Salem District.

4.The President,
Village Panchayat, Erugalur Panchayat,
Sankagiri Taluk, Salem District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 1st and 2nd respondent herein to cancel the order passed by the 2nd respondent in Na.Ka.No.3600/2021/A3 dated 14.06.2022 in favour of the petitioner pertaining to the license in respect of the fishing right in Erugalur Kallery situated in Erugalur Panchayat, Sankagiri Taluk, Salem District.



W.P.No.3684 of 2022

For Petitioner : Mr.A.Saravanan

For Respondents : Mrs.R.Anitha, for R1
Special Government Pleader
Mrs.K.Vasanthamala, for RR2 to 4
Government Advocate

ORDER

The Writ Petition has been filed to forbear the first and second respondents herein from cancelling the order passed by the second respondent in Na.Ka.No.3600/2021/A3 dated 14.06.2022 in favour of the petitioner pertaining to the license in respect of the fishing right in Erugalur Kallery situated in Erugalur Panchayat, Sankagiri Taluk, Salem District.

2. Heard both sides.

3. The grievance of the petitioner is that he has been awarded fishing rights contract for fishing in the lake from 01.07.2022 and his license period expires only on 30.06.2023.

3. When that being the position, the panchayat has passed a resolution recommending cancellation of license and the resolution has been sent to the Collector. Without any order being passed by the Collector or any other authority,

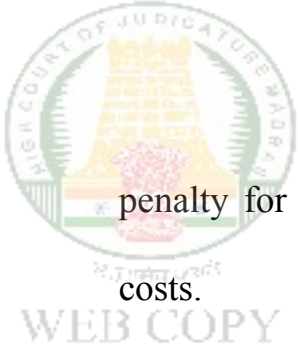


cancelling the fishing rights, the respondents are preventing the petitioner from exercising the rights on the basis of the license granted in his favour.

4. Learned counsel for the respondents would submit that Panchayat has passed resolution recommending cancellation and forwarded it to the Collector and no order has been passed so far. However, the further contention is that in the water tank, so much of pollution has caused and it is also substantiated by the report of the Tamil Nadu Pollution Control Board. In such view of the matter, the petitioner cannot exercise his license rights.

5. This Court is of the view that as the license expires only on 30.06.2023, unless it is cancelled in a manner known to law, the respondents, merely on assumption, cannot prevent the petitioner from exercising his rights. As the panchayat has already passed a resolution, it is for the Collector or higher officials or licensing authority, to take action, as per law. Till such time, they cannot prevent the petitioner.

6. With the above direction, the Writ Petition is disposed of and the petitioner should ensure that the water tank is not contaminated. If the Pollution Board report comes against the petitioner, the authorities are entitled to impose the



W.P.No.3684 of 2022

penalty for that. Consequently, connected miscellaneous petitions are closed. No costs.

09.02.2023

Index :Yes/No

Neutral Citation: Yes / No

AT

To

1.The District Collector,
Salem District, Salem.

2.The Commissioner,
Sankagiri Panchayat Union,
Sankagiri, Salem District.

3.The Block Development Officer,
Sankagiri Panchayat Union,
Sankagiri, Salem District.

4.The President,
Village Panchayat, Erugalur Panchayat,
Sankagiri Taluk, Salem District.



WEB COPY



W.P.No.3684 of 2023

N.SATHISH KUMAR, J.

AT

W.P.No.3684 of 2023 and
W.M.P.Nos.3777 & 388 of 2023

09.02.2023