



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **30.01.2023**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 5843 of 2021

K.Chellapandian

... Petitioner

..Vs..

1. The District Collector
Thiruvannamalai
Thiruvannamalai District.

2. Junior Engineer
Public Works Department
Peranamallur
Thiruvannamalai District.

3. The President
Kolapolur Panjayath
Chepet Taluk
Thiruvannamalai District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the 1st and 2nd respondents to take appropriate action on the representation of the petitioner dated 28.12.2020 seeking interference of the District Collector to stop granting of fishery rights by the third respondent in respect of “Periya Eri” situated at Perya Kolapalur Village, Chetpet Taluk in Thiruvannamalai District.



For Petitioner :: Mr. U.Manogar
For Respondents :: Mr. T.Seenivasan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the first and second respondents to take appropriate action on the representation of the petitioner dated 28.12.2020.

2. The petitioner is a resident of Kolapolur in Chetpet Taluk in Thiruvannamalai District. He had given a representation to the first respondent / District Collector, Thiruvannamalai, on 28.12.2020 seeking his interference to stop granting fishery rights by the third respondent/ the President, Kolapolur Panjayath, Chetpet Taluk, Thiruvannamalai District, with respect to Periya Eri at Peryakolapalur Village, Chetpet Taluk, Thiruvannamalai District.

3. In the affidavit filed in support of the Writ Petition, the petitioner had stated that in his District, he and most of the families are depending on



agriculture. Periya Eri is the major source of irrigation. It is a major source for supplying drinking water to the village as well as other surrounding villages. The petitioner had stated that the lake also provides water for irrigation for more than 500 hectares of agriculture land. The lake gets water through the monsoon rain. The water would be retained in the lake and if it is so retained, it would serve the needs of the people for their drinking purposes and also for irrigation purposes. The lake is maintained by the Public Works Department.

4. It has been also stated that in the year 2020, the lake had filled up and it had been stated that the third respondent/the President, Kolapolur Panjayath, Chetpet Taluk, Thiruvannamalai District, had stated that fishery rights would not be given. The petitioner had given a representation seeking preservation of water for drinking purposes and also for irrigation purposes and since no action had been taken on the said representation, the petitioner had approached this Court.

5. A counter affidavit had been filed by the second respondent / Junior Engineer wherein it had been stated that the lake, Periya Eri is under



the control of the Public Works Department / Water Resources Department.

It had been stated that there was a necessity for funds to carry out maintenance and improvement works in water bodies under the control of the PWD / WRD Department. This maintenance and improvement would include lake deepening, desilting etc.

6. The Government had also passed G.O.Ms.No. 16 Public works Department (PW2) dated 14.02.2011, conferring powers to conduct fishing auction in the lakes and tanks and the revenue which is received would be used as 50% would be for maintenance and improvement of the lakes and tanks and the remaining 50% for the benefit of Ayacutdars. The petitioner is an agriculturalist and therefore would only benefit from such auction and the revenue earned from such auction.

7. It was also stated that on 02.02.2021, auction was conducted and the Sarangabani had quoted the highest bid of Rs.38500/- which was higher than the upset price which has been fixed. It had been stated that the amount paid would be used by the Government for maintenance and strengthening works of the lake and also for the benefit of the Ayacutdars.



8. The learned Special Government Pleader also stated that the respondents are clearly aware about fact that the lake is maintained in its proper form and that the water is used as drinking water for to the general public and also for irrigation purpose. These were done only from revenue generated from auctioning the fisheries rights. The revenue will be used not only for maintenance of the lakes and tanks but also for the benefit of the farmers in the said area.

9. It had been stated that the representation of the petitioner was considered and orders had also been passed on 05.01.2021 stating that drainage or release of water from the lake for the purpose of fishing activities has been strictly prohibited and that the said fishing activities would not in any manner affect the irrigation and agriculture activities. The learned Special Government Pleader stated that the revenue from the auction would only help the farmers and also help the general public for drinking water purpose and towards irrigation purpose.



C.V.KARTHIKEYAN, J.,

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10. In view of that particular stand, I am confident that the petitioner would also appreciate the efforts taken by the first and second respondents in this regard.

11. Recording as above, the Writ Petition stands disposed of.

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Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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