



Writ Petition No.13612 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition No. 13612 of 2023
and W.M.P.Nos.13287 of 2023 and 16728 of 2023

1. Raja
2.Sathishkumar ...Petitioners

Vs

1. The District Collector
Salem Collector, Salem.
2. The Commissioner,
Sankari Panchayat Union,
Sankari, Salem District.
3. The Revenue Divisional Officer,
Sankari Panchayat Officer,
Sankari, Salem District.
4. The Block Development Officer
Sankari Panchayat Officer,
Sankari, Salem District.
5. The President,
Village Panchayat,
Irugalur Panchayat,
Sankari Taluk, Salem District.



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6. K.Palanisamy

... Respondents

WEB COURT

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus to forbear the Respondents 1 to 5 from unilaterally renewing the fishing rights licence bearing No.Na.Ka.No.3600/2021/A3 dated 14.06.2022 on the file of the 2nd Respondent for a period of 5 years for Irugalur Kallery Lake.

For Petitioners : Mr.S.Rajendrakumar

For Respondents : Mr.N.Naveen Kumar (R1 & R3)
Government Advocate
Mr.C.Selvaraj (R2, R4 & R5)
Additional Government Pleader
Mr.T.Mohan (R6)
Senior Advocate
for Mr.P.Muthusamy

ORDER

The Petitioners herein filed the Writ Petition seeking to forbear the Respondents 1 to 5 from unilaterally renewing the fishing rights licence bearing No.Na.Ka.No.3600/2021/A3 dated 14.06.2022 on the file of the 2nd Respondent for a period of 5 years for Irugalur Kallery Lake, in favour of the 6th Respondent.



2. According to the Petitioners, they are agriculturists depending on the Irugalur Kallery lake, situated within the 2nd Respondent Panchayat Union, Sankari, Salem District. The said Panchayat Union conducted public auction on 26.04.2022, for granting fishing rights in the aforesaid lake. The 6th Respondent herein was declared as a highest bidder and an allotment order was issued to him on 14.06.2022, granting licence for fishing from 01.07.2022 to 13.06.2023.

3. It is the specific case of the Petitioner that the 6th respondent who is running a large-scale poultry farm in the land situated in one of the boundaries of the lake, is dumping dead chickens, waste and perished meats into the lake as fish feeds. Due to the said activity of the 6th Respondent, the lake got polluted, changed in its colour and emit foul odour.

4. It is submitted by the learned counsel for the Petitioner that the samples which were taken from the above said lake were tested in a authorised lab and as per the report, the contamination in the Irugalur lake water is above prescribed norms. Therefore, the Petitioner wants this Court to issue a direction to the respondents 1 to 5 not to renew the licence in



favour of the 6th respondent.

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5. The issue raised in this writ petition is relating to the extent of pollution caused to the lake water and its likely effect on the life of the persons in the surrounding villages.

6. In fact, in a earlier Writ Petition filed by the 6th respondent in W.P.No.3684 of 2023, this Court directed the 6th respondent to ensure that the water tank is not contaminated. In the said Writ Petition, the authorities are directed to impose penalty in case the 6th respondent engaged in polluting the lake.

7. The issue relating to pollution has to be decided by a specialized forum. This Court sitting under Article 226 of Constitution of India cannot decide the issue relating to extent of pollution and its effect on the life of the people living in surrounding areas. Therefore, if the Petitioner is aggrieved by the activities of the 6th respondent in causing pollution to the lake, it is for him to move the Green Tribunal for redressal of his grievance.



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8. Therefore, the relief sought for in this Writ Petition cannot be granted. Hence, this writ petition stands dismissed, however with liberty to the Petitioner to move the Green Tribunal for redressal of his grievance. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.07.2023
(2/2)

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

1. The District Collector
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Sankari, Salem District.
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S.SOUNTHAR, J.

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