



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.02.2023

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 13337 of 2020

And

W.M.P.No. 16473 of 2020

PomburUlnattu Meenavarkooturavu Sangam
Registration No. FC.VP.56/2010,
Rep. by its President
Pombur & Post, Vanur Taluk
Villupuram District – 605 652.

... Petitioner

..Vs..

1. The State of Tamil Nadu
Rep. by Principal Secretary to Government
Animal Husbandry, Dairying and Fisheries (FS-6)
Department
Fort St. George
Chennai – 600 008.
2. Tamil Nadu Fisheries Department
Integrated Office Buildings,
Rep. by the Director of Fisheries
Nandanam, Chennai – 600 035.
3. Assistant Director of Fisheries
Villupuram.



4. Vikravandi Meenavarkooturavu Sangam,
Rep. by its President
Vikravandi Post and Taluk
Villupuram District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records from the second respondents dated 21.07.2020 bearing reference Na.Ka.No. 869/Aa/2020 quash the same as illegal, arbitrary, malafide, without jurisdiction and to consequently direct the respondents 1 to 3 to ensure condusive atmosphere for the petitioners to fish in the Veedur Reservoir without the interference of anyone.

For Petitioner :: Mr. S.Saravana Kumar

For RR 1 to 3 :: Ms. P.Rajarajeswari
Government Advocate

ORDER

The Writ Petition has been filed by the Pombur Ulnattu Meenavar Kooturavu Sangam with Registration No. FC.CP 56/2010, represented by its President, Pombur & Post, Vanur Taluk at Villupuram District, in the nature of a Certiorarified Mandamus seeking interference with an order of



the third respondent / Assistant Director of Fisheries, Villupuram District, dated 21.07.2020 in Na.Ka.No. 869/Aa/2020 and direct the first to third respondents to provide a conducive atmosphere to the members of the petitioner association to fish in the Veedur Reservoir without any interference from anybody.

2. The petitioner is a registered Fishermen Co-operative Society. There is yet another Fishermen Co-operative Society at Vikravandi, namely, Vikravandi Meenavarkooturavu Sangam, Villupuram District/ fourth respondent herein.

3. It must be stated that notice had been directed on the said fourth respondent on one occasion alone, a counsel had entered appearance before the Court. There is no appearance today. Anyway let that not deter me from passing orders in the Writ Petition itself.

4. Heard Mr.S.Saravana Kumar, learned counsel for the petitioner and Ms. P.Rajarajeswari, the learned Government Advocate appearing on behalf of the first to third respondents.



5. The petitioner had been the beneficiary of a letter which had been issued to them dated 20.05.2020 with respect to grant of fishing rights in Veedur Reservoir in Villupuram District. It was stated on the aforementioned letter that the total amount which is payable by the petitioner association would be Rs.14,64,190/- by which payment the petitioner association would get fishing rights in the said Reservoir for a period of five years.

6. It is also pointed out by the learned counsel for the petitioner Mr. S.Saravana Kumar that the petitioner has available balance in the bank and is always ready and willing to pay the said amount to the concerned authorities. At that particular point of time, the fourth respondent had interjected. Therefore, the third respondent had cancelled the letter aforementioned, dated 20.05.2020.

7. It is the grievance of Mr.S.Saravana Kumar, learned counsel for the petitioner that many members of the fourth respondent Society had transferred their membership to the petitioner association. It is also stated that fact, the territorial area of the petitioner association had also been



enlarged by the respondents herein. Thus it is claimed that the petitioner association is the largest association catering to the welfare of the fishermen in that particular area.

8. The learned Government Advocate appearing for the respondents 1 to 3 stated that the auction amount of Rs.14,64,190/- had been determined and an opportunity will be granted to both the petitioner and the fourth respondent to pay the said amount and who ever pays the amount would be granted fishing rights.

9. The learned counsel for the petitioner stated that the petitioner is ready and willing to pay the said amount and that they have necessary amount available in the bank also.

10. In view of these statements, instead of entering any more discussion about the adversial nature of the rival stands, I hold that the impugned order dated 21.07.2020 should be set aside. It is set aside. The third respondent is directed to invite the petitioner herein and the fourth respondent and direct them to pay the amount. If the petitioner is willing to



pay the said sum of Rs.14,64,190/-, then the fishing rights may be given to the petitioner herein. If the fourth respondent wants to quote a higher amount, then the petitioner must also be given an opportunity to quote that particular amount but who ever pays the amount as agreed within 7 working days should be given the permission to fish in Veedur Reservoir for a period of five years. The rights should also ensure that there are no third party interference and that only members of the association are actually fishing in the Veedur Reservoir area.

11. Recording as above, the Writ Petition stands disposed of. No order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

20.02.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order



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To

1. Principal Secretary to Government
The State of Tamil Nadu
Animal Husbandry, Dairying and Fisheries (FS-6)
Department
Fort St. George
Chennai – 600 008.
2. The Director of Fisheries
Tamil Nadu Fisheries Department
Integrated Office Buildings,
Nandanam, Chennai – 600 035.
3. Assistant Director of Fisheries
Villupuram.
4. The President
Vikravandi Meenavarkooturavu Sangam,
Vikravandi Post and Taluk
Villupuram District.



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C.V.KARTHIKEYAN, J.,

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