



W.P.No.19334 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.19334 of 2023

and

W.M.P.No.18606 of 2023

- 1.Ranganathan
2. Parameshwari
3. Vasanthi

... Petitioners

Vs.

1. The Revenue Divisional Officer,
Harur,
Dharmapuri District.
2. The Executive Engineer,
Public Works Department,
Water Resource Organisation,
Upper Pennaiyar Baisn Division,
Dharmapuri Distirct.
3. FMR.21, Morappur Fisherman Co-operative Society,
by its President,
Kuppachiammal Illam,
Mariyamman Koil Street,
Harur – 636 903,
Dharmapuri District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified mandamus calling for the records relating to the proceedings in Pa.Mu.No.3225/2022/A3 dated 04.02.2023 on the file of the 1st respondent, quash the same and direct the 2nd respondent to grant the lease of fishing rights in Alapuram lake in accordance with G.O.Ms.No.332, Animal Husbandry and Fisheries (F.S.IV) Department dated 17.11.1993.

For Petitioner : Mr.V.Elangovan

For R1 & R2 : Mrs.N.Senthil Selvi
Government Advocate

ORDER

This writ petition has been filed seeking for issuance of a writ of certiorarified mandamus to quash the proceedings in Pa.Mu.No.3225/2022/A3 dated 04.02.2023 on the file of the 1st respondent and to direct the 2nd respondent to grant the lease of fishing rights in Alapuram lake in accordance with G.O.Ms.No.332, Animal Husbandry and Fisheries (F.S.IV) Department dated 17.11.1993.

2. When the matter is taken up for hearing, the learned counsel for the petitioners fairly conceded that the issue in present writ petition has



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already been decided by this Court in W.P.Nos.6819 of 2023, etc, batch of cases and that the same order may be passed in the above writ petitions as well.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. In view of the fair stand taken by the learned counsel for the petitioner, in an identical circumstances, this Court in W.P.Nos.6819 of 2023, etc, batch of cases, by order dated 21.06.2023, in the case of ***K-1546 Mettupalayam Meenavar Co-operative Society Ltd Vs. The Government of Tamil Nadu and Ors.***, has held as under :

38. For the reasons aforesaid, the impugned proceedings of the 3rd respondent dated 4.1.2022 is set aside and the writ petitions are allowed with the following observations and directions :-

i) The cooperative societies composed of fishermen or of Harijans engaged in fishing should first be given an opportunity of taking the fishery on lease for a reasonable rental fixed by the Collector of the District or the authority



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concerned.

ii) If the cooperative society is not prepared to take the lease for the amount offered, opportunity should be given to the Panchayat working in the area to take the lease on the same amount. If there are more than one co-operative society in a particular area relatable to fishing, then public auction shall be conducted in the manner indicated in paragraph 2 of RSO 211 by fixing the upset price.

iii) If neither the cooperative society nor the Panchayat is willing to take the lease, the fishery should be disposed of by public auction in the manner indicated in paragraph 2 of RSO 211.

iv) The preference, as provided in RSO 211, which has been followed in G.O. Ms. No.332 dated 17.11.1993 shall be scrupulously adhered to.

v) The respondents are directed to ensure that contamination of water by polluting it for facilitating larger capture of fish and letting the polluted water to the farmer, thereby causing detriment to agriculture, is not resorted to by the leaseholder and if any such infraction is noticed,



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steps shall be taken by the respondents for cancelling such of the leases granted to such of the lessee.

vi) Consequently connected miscellaneous petitions are closed.

5. Following the ratio laid down in the said decision, this Court extends the same benefit to the petitioners also. Hence in the aforesaid terms, this Writ Petition is also allowed. No Costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

1. The Revenue Divisional Officer,
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W.M.P.No.18603 of 2023

in

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This petition is ordered as
prayed for.

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W.M.P.No.18605 of 2023



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Dispensed with for the
present.

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