



W.P.No.35092 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.01.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.35092 of 2022

FMR.26 Gangavalli Inland Fishermen
Co-operative Society

D.No. 77, Fishermen Street
Gangavalli Post and Taluk
Salem District

Rep. by its elected President P.Chandran ... Petitioner

Vs

1 The Commissioner of Fisheries
Nandanam, Chennai-09

2 The Executive engineer
Public works Department (WRD)
Sarabanga Vadinila Kottam, Salem

3 The Assistant/ Junior Engineer (WRD)
Irrigation Section, Thammampatti,
Gangavalli Taluk Salem District.

4 The Assistant Director of Fisheries
(Inland fisheries)
Mettur Dam 636 401

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Circular in Na.Ka.No. 19310/ F4/ 2021 dated 22.12.2021 on the file of the 1st respondent and the subsequent impugned letter in Na.Ka.No.1181/E/2022 dated 30.11.2022 on the file of the 4th respondent quash the same in so far



W.P.No.35092 of 2022

as the fishing rights in the Valasakkalpatti tank is concerned and direct the respondents to grant fishing rights of the fishing rights in the Valasakkalpatti tank for a period of 5 years to the petitioner society by applying G.O.Ms.No.332, Animal Husbandry and Fisheries (FS.IV) department dated 17.11.1993 and Revenue Department standing order 211 by 10 percent over the previous years rate and pass.

For the Petitioner : Mr.S.Doraiswamy

For the Respondents : Mr.S.J.Mohamed Sathick,
Government Advocate

ORDER

The writ petition has been filed by FMR. 26 Gangavalli Inland Fishermen Cooperative Society at Door No 77, Fishermen Street and it is represented by its President P. Chandran, in the nature of a certiorarified mandamus calling for the records relating to a circular in Na.Ka.No. 19310/F4/2021 dated 22.12.2021 on the file of the first respondent and the subsequent letter in Na.Ka.No. 1181/E/2022 dated 30.11.2022 on the file of the fourth respondent and quash the same and direct the respondents to grant fishing rights in Valasakkalpatti tank for a period of five years to the petitioner society.



W.P.No.35092 of 2022

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2. By the impugned notices, the fourth respondent had brought to auction the fishing rights for Valasakkalpatti tank at Gangavalli in Salem District. Questioning that particular circular, the writ petition had been filed.

3. It is trite in law to point out that the legal position is that fishing rights should be auctioned. When they are auctioned, a society formed by the fishermen, should be given priority.

4. When the matter came up on 31.01.2023, this court had directed that the petitioner society can participate in the auction. It appears that however the President, who represents the petitioner society P. Chandran participated in the auction. It was felt that he participated on behalf of the society but either knowingly or unknowingly, he had participated in his individual name. He had also paid the amount in its individual name. Therefore the bid was offered to him in his individual name .



W.P.No.35092 of 2022

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5. Learned counsel for the petitioner however very categorically stated that the President, P. Chandran, had actually participated only in the name of the society.

6. A direction is therefore given that the fourth respondent should now offer to the society namely the Gangavalli inland Fishermen Cooperative Society the opportunity to either bid for the same amount as that of its President P. Chandran or give a higher amount. If they bid for the same amount, then in their records, the successful bidder may be changed from the name of the individual P. Chandran to the name of the Society namely Gangavalli Inland Fishermen Cooperative Society.

7. With respect to the amount paid by the President P. Chandran, it is an issue between him and the society and the respondents need not make any effort to return the amount to P.Chandran or direct the Society to pay any fresh amount. The amount already paid may be retained in the name of the society/Gangavalli Inland Fishermen Cooperative Society and for all



W.P.No.35092 of 2022

purposes, the respondents may consider only the said society as the successful auction bidder for Valasakkalpatti Tank for a period of five years. No other orders are required.

8. Writ petition stands disposed of. Consequently, WMP Nos.34545 and 34547 of 2022 are closed.

27.01.2023

Index: Yes/no
mrn



W.P.No.35092 of 2022

To

WEB COPY

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W.P.No.35092 of 2022

C.V.KARTHIKEYAN, J.
(mrn)

W.P.No.35092 of 2022

27.01.2023