



W.P.(MD)No.5165 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.5165 of 2020

and

W.M.P.(MD)Nos.4501 and 4503 of 2020

Therur Thenkumari Inland Fisherman
Cooperative Society Ltd. No.F.N.L-9,
Rep. by the President, V.Arumugam,
Therur,
Akkarai-Suchindram P.O.,
Kanyakumari District.

... Petitioner

-VS-

- 1.The Secretary to Government,
Animal Husbandry and Fisheries Department,
Fort St. George, Chennai – 600 009.
- 2.The Director of Fisheries,
Directorate of Fisheries Administrative
Office Buildings,
DMS Complex, Teynampet,
Chennai – 600 006.
- 3.The District Collector,
Kanyakumari District at Nagercoil.
- 4.The Assistant Director of Fisheries,
Disteillery Road, Vadaseri, Nagercoil,
Kanyakumari District.



W.P.(MD)No.5165 of 2020

5.The Tahsildar,
Agasteeswaram Taluk @ Nagercoil,
Kanyakumari District.

6.The Executive Engineer,
Public Works Department,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the third respondent, in his proceedings in Na.Ka.M2/26322/2019, dated 16.12.2019, quash the same and consequently, directing the respondents to award fishing lease to the petitioner Society over the tanks in Agasteeswaram Taluk, Kanyakumari District, from 01.07.2019 to 30.06.2024 (Fasli Year 1430 to 1434), by implementing Revenue Standing Order 211 and the Government Order in G.O.(Ms)No. 332, Animal Husbandry and Fisheries Department, dard 17.11.1993, in its letter and spirit.

For Petitioner : Mr.D.Srinivasaragavan
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

This Writ Petition has been filed challenging proceedings of the third respondent, dated 16.12.2019, and for a consequential direction to the



W.P.(MD)No.5165 of 2020

respondents to award fishing lease to the petitioner Society over the tanks in Agasteeswaram Taluk, Kanyakumari District, from 01.07.2019 to 30.06.2024 (Fasli Year 1430 to 1434), by implementing Revenue Standing Order 211 and the Government Order in G.O.(Ms)No. 332, Animal Husbandry and Fisheries Department, dated 17.11.1993.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents.

3. The issue involved in the present Writ Petition is squarely covered by the judgment of this Court in W.P.(MD)Nos.10489, 13026 and 13027 of 2015, dated 20.10.2022. The relevant portions are extracted hereunder:-

"20. Conclusion:

(a).In view of the above said discussion, the Government order impugned in the writ petitions are not ultra virus of any other statutory provision or provisions of Constitution of India. Hence, the prayer with regard to quashing of the said Government order is hereby rejected. The consequential order dated 11.02.2015 passed by the fourth respondent misinterpreting G.O.Ms.No.16 dated



W.P.(MD)No.5165 of 2020

14.01.2011 is hereby set aside. The auction notice that is challenged in WP(MD).No.13026 of 2015 dated 14.07.2015 is hereby rejected on the ground that the tenure for which public auction was called for, has already expired.

(b).In view of the order passed by the Hon'ble Division Bench in WA(MD).Nos.1251 and 923 of 2020 dated 03.02.2021 directing to conduct public auction for leasing out the fishery rights and thereafter, calling upon the Co-operative Societies to match the highest bid, the mandamus sought for, to implement G.O.Ms.No.332, Animal Husbandry and Fisheries (FS-IV) Department, dated 17.11.1993, is rejected.

(c). In view of the above said discussion, the writ petitions are allowed only to the extent of setting aside the order passed by the fourth respondent herein dated 11.02.2015. In all other respects, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed. "

4. This Writ Petition is disposed of in the above terms. No costs.

Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
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23.11.2023



W.P.(MD)No.5165 of 2020

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W.P.(MD)No.5165 of 2020

N.ANAND VENKATESH, J.

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