



W.P.(MD) No.5523 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5523 of 2020

F.P.6 Taluk Inland Fisherman Co-operative Society
Thirumayam Rep.,
By its President,
M.Sarau,
8/8, Manavalikarai,
Thirumayam Post and Taluk,
Pudukkottai District.

.. Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Assistant Director of Fisheries,
Pudukkottai.

3.The Tahsildar,
Thirumayam.

4.The Assistant Engineer,
Public Works Department, W.R.O(Irrigation)
Thirumayam Post & Taluk,
Pudukkottai District.

.. Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, thereby forbearing the 4th respondent from interfering with the fishery rights of the petitioner's Society covered under the proceedings of the third respondent in Na.Ka.No.10412/2019/A2 dated 09.12.2019.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

This writ petition is filed for issuance of a Writ of Mandamus to forbear the fourth respondent from interfering with the fishery rights of the petitioner's Society covered under the proceedings of the third respondent in Na.Ka.No.10412/2019/A2, dated 09.12.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The above writ petition has been filed by the petitioner Society, which is a Co-operative Society, whose members eke out their living from the fisheries rights in the tanks belonging to the Revenue Department.



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4. It is the case of the petitioner that the third respondent by proceedings dated 09.12.2019 granted leasing rights for fishing to the petitioner Society for a period of five years with regard to 22 tanks and the lease amount was Rs.1,00,560/-.

5. The petitioner would submit that when the members of the Society tried to catch fish from these tanks, it was being frustrated by some miscreants in the local area, who objected for the same and also influenced the fourth respondent to cancel the lease granted to the petitioner Society. The fourth respondent, by proceedings dated 27.12.2019, had directed the third respondent to cancel the lease. Thereafter, the third respondent, by his proceedings dated 04.02.2020, had called for comments from the second respondent with reference to this request. The fourth respondent had thereupon informed the members of the petitioner Society not to fish in the twenty two tanks, in respect of which they had get leasing rights granted by the third respondent. Therefore, aggrieved by the same, the petitioner has approached this Court by way of this writ petition.



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6.The primary ground of attack to the impugned order is that the same has been passed totally overlooking the fact that the petitioner Society has been granted a 5 year lease commencing from fasli year 1429 to 1433 (01.07.2019 to 30.06.2024). Therefore, even before the period could come to end, the impugned order has been passed. The learned Government Advocate appearing for the respondents would admit the above fact.

7. In the light of the above, this Writ Petition is disposed of with a direction to the fourth respondent that the position of the petitioner Society as a lessee in respect of fisheries rights will not be disturbed till **30.06.2024**. No costs.

27.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

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Thirumayam.
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P.T.ASHA, J.

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