



WP(MD)No.14507 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.11.2023

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.14507 of 2021

and

W.M.P.(MD)Nos.11442 & 11443 of 2021

Thenkarai Vivasayigal Sangam,
Rep. By its Secretary,
P.Rajasekaran

...Petitioner

/Vs./

- 1.The District Collector,
Theni District, Theni.
- 2.The Executive Engineer, PWD/ WRO,
Manajalar Basin Division,
Periyakulam, Theni District.
- 3.The Assistant Engineer, PWD/ WRO,
Irrigation Section, Peryakulam,
Theni District.
- 4.The Assistant Director of Fisheries,
Theni District at Vaigai Dam,
Theni District.
- 5.The Tahsildar,
Periyakulam Taluk,
Theni District.

...Respondents



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PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of CERTIORARIFIED MANDAMUS, calling for the records pertaining to the impugned auction notice issued by the 3rd respondent in Ko.No.20/2021/Vu.Po.(Pa.Pi)/, dated 29.07.2021 for leasing out the fishery rights to fish in Periyakulam Tank, Thenkarai Village for a period of one year from 16.08.2021 to 15.08.2022, and quash the same as illegal and consequently direct the respondents to take action and curb the persons who carry on fishing activities illegally, on the basis of the representation submitted by the petitioner sangam on 24.05.2021 within the time frame fixed by this Court.

For Petitioner : Mr.J.Padhmaavathi Devi

For Respondents : Mr.B.Saravanan

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned auction notice issued by the third respondent dated 29.07.2021, through which fishery rights to fish in Periyakulam Tank was leased.

2. When the matter was taken up for hearing today, it was brought to the notice of this Court that the fishery right was given in favour of someone else for a period of three years and this period is coming to an end in the year 2024.



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In view of the same, there is no scope for interfering with the auction notice at this stage.

3. The learned counsel appearing for the petitioner brought to the notice of this Court ground C that was raised in this writ petition and for proper appreciation, the same is extracted hereunder:-

c) In G.O.Ms.No.33, Animal Husbandry and Fisheries (FS IV) Department, dated 27.02.1995, the Government directed that public auction for fishery rights in the tanks taken over in Madurai and South Arcot Districts will be made by the Assistant Director of Fisheries in the presence of the Assistant Executive Engineer, PWD and concerned Tahsildar. In the meanwhile, the Government of Tamil Nadu issued G.O.Ms.No.16, Public Works Department, dated 14.01.2011 wherein it was directed that in the tanks vested with the Public Works Department, lease must be conducted only by the Public Works Department with a view to empower the Agriculturists and to strengthen the water users association in accordance with Tamil Nadu Farmers Management of Irrigation system Act, 2000.”

4. It is clear that the authority shall keep in mind the relevant Government Orders before calling for auction to lease the fishery rights in future.



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5. This writ petition is disposed in the above terms. No costs.

Consequently, connected miscellaneous petitions are closed.

29.11.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.14507 of 2021

Dated:
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