



W.A.No.152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.152 of 2024

1. M.Ranganathan
2. G.Venkatachalam
3. G.Srinivasan
4. R. Murugesan
5. R.Govindaraj

.. Appellants

Vs

1. The District collector cum Chairman of Krishnagiri
District Fish Farmers Development Agencies
Krishnagiri District, Krishnagiri.
2. The Executive Engineer
Public Works Department (WRO)
Melpennai River Vadinila Kottam
Krishnagiri.
3. The Chief Executive officer
District Fish Farmers Development Agency/
Inland Fisheries, 4th Cross Street
Jakkappan Nagar, Krishnagiri.
4. The Assistant Director of Fisheries
(Inland Fisheries), Krishnagiri.

.. Respondents



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Prayer: Appeal under Clause 15 of the Letters Patent to set aside the order passed in WP.25371 of 2022, dated 21.06.23 and direct the respondents to renew the lease of the fishing right of the Kareem Sayabu lake for another 5 years from 2021-2022 to 2026-2027 to the appellants as the members of Krishnagiri District Fish Farmers Development Agency (DFFDA) as the reasons mentioned in the representation of the petitioner dated 28.12.2021 and 19.01.2022 and also Annexure II, Clause 6 of the Government Order in GO (Ms) No.301, dated 18.11.2013, Animal Husbandry, Dairying and Fisheries (FS-6) Department.

For the Appellants : Mr.V.Elangovan

For the Respondents : Mr.P.Muthukumar
State Government Pleader

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.V.Elangovan, learned counsel for the appellants; and Mr.P.Muthukumar, learned State Government Pleader for the respondents.

2. The appellants are challenging the order dated 21.6.2023 passed by the learned Single Judge in W.P.No.25371 of 2022, which was disposed of along with a group of writ petitions. Under the impugned order, the learned Single Judge directed the authorities



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to strictly adhere to G.O.(Ms.) No.332, dated 17.11.1993 and the Revenue Standing Order No.211.

3. Learned counsel for the appellants submits that the appellants are members of the Krishnagiri District Fish Farmers Development Agency. The said Agency is constituted in accordance with G.O. (Ms.) No.301, dated 18.11.2013. It consists of poor fishermen. The rights of the appellants are not considered by the learned Single Judge while passing the impugned order. In a public auction the appellants would also be entitled to participate. While passing the impugned order, the case of the co-operative societies is considered and the case of the present appellants has not at all been dealt with.

4. On a perusal of the order passed by the learned Single Judge, it is manifest that the learned Single Judge has relied upon G.O.(Ms.) No.332, dated 17.11.1993, and the Revenue Standing Order No.211, which are governing the field. Apart from the same, there is no other government order relied to show that the



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preference as is provided in G.O.(Ms.) No.332, dated 17.11.1993 has been superseded. G.O.(Ms.) No.332, dated 17.11.1993, has been discussed by the learned Single Judge and in the impugned order has directed the authority to provide for the preference as laid down in G.O.(Ms.) No.332, dated 17.11.1993 and the Revenue Standing Order No.211. Neither G.O.(Ms.) No.332, dated 17.11.1993 nor Revenue Standing Order No.211 was the subject matter of challenge.

5. In the light of the above, no fault can be found with the order passed by the learned Single Judge.

The writ appeal is disposed of accordingly. There shall be no order as to costs. Consequently, C.M.P.No.912 of 2024 is closed.

(S.V.G., C.J.)

(D.B.C., J.)

18.01.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi



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To:

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2. The Executive Engineer Public Works Department (WRO) Melpennai River Vadinila Kottam Krishnagiri.
3. The Chief Executive officer District Fish Farmers Development Agency/ Inland Fisheries, 4th Cross Street Jakkappan Nagar, Krishnagiri.
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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