



Cont.P.No.2329 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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F.M.R.13 Pallipalayam Avarangkadu
Inland Fishermen Co-operative Society,
9th Step, Palam Road,
Pallipalayam, Kumarapalayam Taluk,
Namakkal District represented by
its member P.K.Thangavel

... Petitioner

Vs.

- 1.Thiru.Mangat Ram Sharma IAS
The Secretary to the Government,
Animal Husbandry, Fisheries and Fisherman Welfare Department,
Fort St. George, Chennai -9.
- 2.Thiru Shunchonngam Jatak Chiru IAS
The Commissioner of Fisheries and Fisherman Welfare,
Anna Salai, Nandanam, Chennai – 35.
- 3.Dr.S.Uma IAS,
The District Collector,
Namakkal, Namakkal District.
- 4.Mr.Anandan
The Executive Engineer PWD, WRD,
Sarbanga Basin Division S.K.Garden,
Kondalampatti, Salem District.



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5.Mrs.Umakalaiselvi,
The Assistant Director of Fisheries, Mettur Dam,
Salem – 1.

6.Mr.Mathiazhagan,
The Assistant Executive Engineer, PWD, WRD,
Sarabanga Basin – Sub Division Rasipuram. ... Respondents

Petition filed under Section 11 of the Contempt of Courts Act, 1971,
to punish the respondents for willful disobedience of the order passed by this
Court dated 21.06.2023, made in W.P.No.17649 of 2022.

For Petitioner : Mr.R.S.Anandan

For Respondents : Mr.L.S.M.Hasan Raizel
Additional Government Pleader

ORDER

Alleging willful disobedience of the order of this Court dated
21.06.2023, made in W.P.No.17649 of 2022, this Contempt Petition has
been filed.

2.This Court, by order dated 21.06.2023, made in W.P.No.17649 of
2022, allowed the writ petition with the following directions :



“38.For the reasons aforesaid, the impugned proceedings of the 3rd respondent dated 4.1.2022 is set aside and the writ petitions are allowed with the following observations and directions :-

- i) The cooperative societies composed of fishermen or of Harijans engaged in fishing should first be given an opportunity of taking the fishery on lease for a reasonable rental fixed by the Collector of the District or the authority concerned.*
- ii) If the cooperative society is not prepared to take the lease for the amount offered, opportunity should be given to the Panchayat working in the area to take the lease on the same amount. If there are more than one co-operative society in a particular area relatable to fishing, then public auction shall be conducted in the manner indicated in paragraph 2 of RSO 211 by fixing the upset price.*
- iii) If neither the cooperative society nor the Panchayat is willing to take the lease, the fishery should be disposed of by public auction in the manner indicated in paragraph 2 of RSO 211.*
- iv) The preference, as provided in RSO 211, which has*



been followed in G.O. Ms. No.332 dated 17.11.1993 shall be scrupulously adhered to.

- v) *The respondents are directed to ensure that contamination of water by polluting it for facilitating larger capture of fish and letting the polluted water to the farmer, thereby causing detriment to agriculture, is not resorted to by the leaseholder and if any such infraction is noticed, steps shall be taken by the respondents for cancelling such of the leases granted to such of the lessee.*
- vi) *Consequently connected miscellaneous petitions are closed.”*

3.The petitioner has filed the Contempt Petition alleging that the members of the petitioner Association have not been granted fishing right despite orders of this Court granting the same to the petitioner.

4.However, learned Additional Government Pleader appearing for the respondents submitted that, as on date, the respondents have not taken any decision for conducting public auction nor have they floated any tender notification calling for applications for lease in the petitioner's area. In the



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event of any public auction being conducted or tender notification being floated in future, the petitioner's case will be considered.

5.Recording the submissions made by the learned Additional Government Pleader, this Contempt Petition is closed.

16.08.2024

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Internet : Yes
Index : Yes / No
Speaking order / Non-Speaking order
Neutral Citation : Yes / No

To

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- 2.The Commissioner of Fisheries and Fisherman Welfare,
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5.The Assistant Director of Fisheries, Mettur Dam,
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