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W.P.No.30333 of 2023 etc batch

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos.30333, 19368, 23602, 32702, 33627, 35565, 36203,
36206 & 36563 of 2023 and 16621, 25365, 27535 & 31341 of
2022, 4871, 5006 & 6051 of 2021,
124, 753, 4217, 6621 & 7318 of 2024
and
WMP.Nos.5478, 5582, 5583, 6692, 6695, 8751 & 6693 of 2021,
15906, 15907 & 24346 of 2022 and 18642, 18641, 32313 & 35507
of 2023 and 770, 773, 7348 & 8187 of 2024

W.P.No.30333 of 2023

M.Subramanian

.. Petitioner

vs

- 1.The Government of Tamil Nadu
Rep. By its Secretary to Government,
Animal Husbandry and Fisheries Department,
Fort St.George, Chennai- 600 009.
- 2.The Commissioner of Fisheries,
Nandanam, Chennai- 600 035.
- 3.The Managing Director
Tamilnadu Fisheries Development Corporation,
Chennai – 600 035.
- 4.The District Collector,
Coimbatore.
- 5.The District Collector,
Erode.
- 6.The Executive Engineer,
Water Resource Department,
Bhavani Sagar Dam Division,



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Bhavani Sagar, Erode District.

7.The Deputy Director,
Fisheries Department,
Bhavani Sagar.

8.The Assistant Director of Fisheries,
Erode.

9.The Government of Tamil Nadu
Rep. By the Additional Chief Secretary,
Water Resource Department, Secretariat,
Chennai – 600 009

(R9 suo motu impleaded vide order
dated 26.03.2024)

.. Respondents

Prayer in W.P.No.30333 of 2023 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to consider the representation of the petitioner society dated 28.08.2023 and 27.09.2023 and grant lease of fishing rights in Bhavani Sagar Reservoir / Dam and its Distributaries by implementing the order of this Hon'ble Court dated 21.06.2023 made in W.P.No.2743 of 2022 etc batch cases within a specified time as fixed by this Hon'ble Court and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Writ Petition	For Petitioner(s)	For Respondents
30333 of 2023	Mr.S.Senthilnathan	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1,2,3,6,7 & 8 Mr.S.John J Raja Singh AGP for R4, R5 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R9
4871 of 2021	Mr.A.E.Ravi Chandran	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R2 Mr.S.John J Raja Singh AGP for R1 Mr.T.Ravindran, AAG assisted by



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Writ Petition	For Petitioner(s)	For Respondents
		Mr.S.John J Raja Singh AGP for R4
5006 of 2021	Mr.R.Jayaprakash	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R2 ,R3, R4, R5 Mr.S.John J Raja Singh AGP for R1 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R6
6051 of 2021	Mr.N.Vinoba Bhopathy	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1 & R4 Mr.S.John J Raja Singh AGP for R2, R3 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R5
16621 of 2021	Mr.P.Krishnan	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1 to R5 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R6
25365 of 2022	Mr.D.Baskar	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R2 Mr.S.John J Raja Singh AGP for R1, R3 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R4
27535 of 2022	Mr.V.Illanchezian	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1,R4, R5 Mr.S.John J Raja Singh AGP for R2, R3, R6 Mr.T.Ravindran, AAG assisted by



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Writ Petition	For Petitioner(s)	For Respondents
		Mr.S.John J Raja Singh AGP for R7
31341 of 2022	Mr.D.Rajkumar	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1 to R3 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R4
19368 of 2023	Mr.S.Senthilnathan	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1 to R4, R6, R7 Mr.S.John J Raja Singh AGP for R5 Mr.M.Santhanaraman for R8 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R9
23602 of 2023	Mr.V.Jayaprakash Narayanan	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1 to R4 Mr.S.John J Raja Singh AGP for R5 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R6
32702 of 2023	Mr.Raja Velayutham for Mr.S.Doraisamy	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1 to R3 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R4
33627 of 2023	Mr.M.S.Palaniswamy	Mr.M.R.Gokul Krishnan AGP
35565 of 2023	Mr.S.Tamilselvan	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1 to R3 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for



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Writ Petition	For Petitioner(s)	For Respondents
		R4
36203, 36206 & 36563 of 2023	Mr.S.Senthilnathan	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1 to R5 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R6
124 of 2024	Mr.S.Senthilnathan	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1 to R5 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R6
753 of 2024	Mr.P.Raja Velayutham for Mr.S.Doraisamy	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R1 to R5 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R6
4217 of 2024	Mr.R.Thamaraiselvan	Mr.P.Muthukumar, AAG assisted by Mr.R.Kumaravel AGP for R2 Mr.S.John J Raja Singh AGP for R1 Mr.T.Ravindran, AAG assisted by Mr.S.John J Raja Singh AGP for R3
6621 of 2024	Mr.S.Senthilnathan	Mr.P.Muthukumar, AAG assisted by Mr.G.Nanmaran, SGP for R1 to R8 Mr.T.Ravindran, AAG assisted by Mr.G.Nanmaran,SGP for R9
7318 of 2024	Mr.S.Senthilnathan	Mr.R.Gokul Krishnan, AGP for R1 to R6 Mr.J.Ravindran, AAG assisted by Mr.M.R.Gokul Krishnan, AGP for



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Writ Petition	For Petitioner(s)	For Respondents
		R7

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COMMON ORDER

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W.M.P.Nos.8187 of 2024, 33507, 32313 of 2023, 6692 of 2021 filed seeking permission to file a single writ petition are ordered on payment of separate court fee, if not already paid.

2. The details of the writ petitions, including the prayers sought for, have been tabulated by the official respondents and is extracted below for ease of appreciation of this order:-

S.No	Prayer	Concerned District Corporation /	Case No
1	Priority to Inland Coop Sact	Thiruvallur	36203/2023
2	Priority to Inland Coop Sact	Thiruvallur	36206/2023
3	Priority to Inland Coop Sact	Thiruvallur	124/2024
4	Priority to Inland Coop Sact	TNFDC	19368/2023
5	Priority to Inland Coop Sact	TNFDC	30333/2023
6	Priority to Inland Coop Sact	Krishnagiri	32702/2023
7	Priority to Inland Coop Sact	Mettur	6051/2021
8	Priority to Inland Coop Sact	Krishnagiri	35565/2023
9	Priority to Inland Coop Sact	Krishnagiri	33627/2023
10	Priority to Inland Coop Sact	Erode	6621/2024
11	Priority to Inland Coop Sact	Mettur	6051/2021
12	Extension of Lease Period (WRD)	Thiruvallur	16621/2022
13	Extension of Lease Period (WRD)	Thiruvallur	36563/2023
14	Extension of Lease Period	Cuddalore	25365/2022
15	Extension of Lease period	Dharmapuri	31341/2022
16	Fresh auction to be conducted	Vilupuram	4871/2021
17	Grant sub lease among the members of FCS	Mettur	23602/2023
18	Lease cancelled by EE, WRD	Krishnagiri	753/2024



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S.No	Prayer	Concerned District / Corporation	Case No
19	Lease cancelled by EE, WRD. Lease polluting the water bodies	Ariyalur	27535/2022
20	Not related to Fisheries Department (Revenue Patta related case)	Krishnagiri	4217/2024
21	Purse Seine activity, Marine Fisheries	Cuddalore	4012/2022
22	Re-auction in Executive Engineer, WRD	Tiruvallur	5006/2021

3. The writ petitions have been listed from time-to-time. In the course of one of the preliminary hearings, the decision of the writ court in W.P.No.6819 of 2023 and batch on 21.06.2023 has been circulated. In that decision, the writ court has considered various Government Orders in the context of fishing rights and has issued 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



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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."

4. A writ appeal was filed in W.A.No.152 of 2024 by the petitioners in W.P.No.25371 of 2022 alone and that writ appeal was disposed on 18.01.2024 declining intervention with the order passed on 21.06.2023.

5. The State is hence required to formulate a comprehensive scheme of fishing rights having regard to the fact that water bodies in the State are owned by different entities and



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several Government Orders have been passed over the years addressing the same. Hence the matters were adjourned on various dates to enable the respondents to produce the Government Order passed in compliance with order dated 21.06.2023.

6. Till date, the respondents have been seeking time on the ground that inputs would have to be received from various departments.

7. Status reports were called for seeking clarity on the total number of Reservoirs in the State of Tamil Nadu and the ownership of the same. Three status reports have been filed in March, 2024 confirming that the total number of reservoirs in Tamil Nadu is as follows:-

S.No	Department	Reservoirs (in Nos)
1	Fisheries and Fishermen Welfare Department	54
2	Tamil Nadu Fisheries Development Corporation Limited	8
3	Water Resources Department	28
4	Rural Development and Panchayat Raj Department	-
	Total	90

8. The details of the Reservoirs under the control of the Department of Fisheries is as below:-

S.No	Name of the Reservoir	District	TWSA (in ha)	Leasing status
1	Kolavai	Kancheepuram	700.00	License fishing
2	Poondi	Thiruvallur	3263.00	License fishing
3	Guddar	Vellore	56.50	Leased out to private party
4	Mordhana	Vellore	87.00	Leased out to private



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S.No	Name of the Reservoir	District	TWSA (in ha)	Leasing status
				party
5	Vidur	Villupuram	798	Share Fishing
6	Manimuktha	Villupuram	765	Leased out to private praty
7	Gomuki	Villupuram	363	Leased out to FCS
8	Veeranam	Cuddalore	6100.00	License fishing
9	Wellington	Cuddalore	834.00	Leased out to FCS
10	Ponnaniyur	Trichy	78.00	Share Fishing
11	Kannothuodai	Trichy	60.00	Share Fishing
12	Mettur Dam	Salem	15346.00	License Fishing
13	Anaimaduvu	Salem	107.00	Leased out to FCS
14	Kariakoil	Salem	69.00	Leased out to Private party
15	Krishnagiri	Krishnagiri	1248.00	Leased out to private party
16	Barur	Krishnagiri	245.00	Leased out to FCS
17	Soolagiri Chinnar	Krishnagiri	50.00	Leased out to FCS
18	Kelavaram Palli	Krishnagiri	832.00	Share Fishing
19	Pambar	Krishnagiri	243.00	Leased out to FCS
20	Chinnar	Dharmapuri	196.00	Leased out to FCS
21	Thumbalahalli	Dharmapuri	193.00	Leased out to FCS
22	Nagavathy	Dharmapuri	117.64	Leased out to FCS
23	Vaniyar	Dharmapuri	109.30	Leased out to FCS
24	Kesarikulihalli	Dharmapuri	120.00	Leased out to FCS
25	Thoppiyar	Dharmapuri	119.89	Leased out to FCS
26	Gundaripallam	Erode	61.00	Leased out to FCS
27	Varattupallam	Erode	89.00	Leased out to FCS
28	Pillur Dam	Erode	718.00	Leased out to private party
29	Sholaiyar	Erode	520.00	Leased out to private party
30	Nallathangal odai	Erode	314.00	Leased out to private party
31	Sathiyar	Madurai	90.00	Leased out to private party
32	Marudhanadhi	Dindigul	72.00	Leased out to FCS
33	Kuthiraiyaru	Dindigul	73.00	Leased out to private party
34	Kudaganaru	Dindigul	496.00	Leased out to private party



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S.No	Name of the Reservoir	District	TWSA (in ha)	Leasing status
35	Parappalar	Dindigul	114.00	Share fishing
36	Chinna / Periakombai	Dindigul	31.00	Leased out to FCS
37	Nangangiyar	Dindigul	161.00	Leased out to private party
38	Vaigai	Theni	2590.00	Leased out to private party
39	Shanmuganathi	Theni	34.00	Share fishing
40	Manjalar	Theni	197.00	Leased out to private party
41	Periyar	Virudhunagar	76.10	Leased out to FCS
42	Kovilar	Virudhunagar	73.70	Leased out to FCS
43	Vembakottai	Virudhunagar	480.00	Leased out to private party
44	Kullurchandai	Virudhunagar	316.40	Leased out to private party
45	Manimuthar	Tirunelveli	940.00	Reserve forest
46	Gadana	Tirunelveli	80.00	Share fishing
47	Gundar	Tirunelveli	14.00	Share fishing
48	Karuppanathi	Tirunelveli	50.00	Leased out to private party
49	Vadakkupachaiyar	Tirunelveli	184.00	Share fishing
50	Kodumudiyaru	Tirunelveli	54.00	Share fishing
51	Nambiyaru	Tirunelveli	153.00	Share fishing
52	Pechiparai	Nagercoil	1515.00	Leased out to private party
53	Perunchani	Nagercoil	962.00	Leased out to private party
54	Chittar I & II	Nagercoil	707.00	Share Fishing

9. The details of reservoirs under the control of Tamil Nadu Fisheries Development Corporation Limited is under:-

Sl.No	Name of the Reservoir	District	TWSA (in ha)	Leasing status
1	Aliyar	Coimbatore	87.11	Leased out to private
2	Amaravathy	Tirupur	56.50	Leased out to private
3	Bhavanisagar	Erode	798.00	TNFDC fishing
4	Thirumoorthy	Tirupur	765.00	Leased out to private
5	Uppar	Tirupur	363.00	Leased out to private
6	Perumpalam	Erode	196.00	Leased out to private



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Sl.No	Name of the Reservoir	District	TWSA (in ha)	Leasing status
7	Palar-Porandalar	Dindigul	109.00	Leased out to private
8	Sathanur	Thiruvannamalai	245.00	TNFDC fishing
	Total		2619.61	

10. The details of fisheries under the control of Water Resource Department are:-

Sl.No	Name of the Reservoirs	Located district
	Chennai Region	
	City Water Supply Reservoirs	
1	Poondi	Thiruvallur
2	Cholavaram	Thiruvallur
3	Redhills	Thiruvallur
4	Chembarambakkam	Kancheepuram
5	Thervoy Kandigai	Thiruvallur
	Other Reservoirs	
6	Gomukhi	Kallakuruchi
7	Manimuthandahi	Kallakuruchi
8	Vidur	Villupuram
9	Veeranam	Cuddalore
10	Willingdon	Cuddalore
11	Chinnar	Dharmapuri
12	Kesarigullihalla	Dharmapuri
13	Nagavathi	Dharmapuri
14	Thoppair	Dharmapuri
15	Thumbalahalli	Dharmapuri
16	Vaniyar	Dharmapuri
17	Varattar	Dharmapuri
18	Kelevarapalli	Krishnagiri
19	Krishnagiri	Krishnagiri
20	Pambar	Krishnagiri
21	Soolagiri Chinnar	Krishnagiri
22	Kuppanatham	Thiruvannamalai
23	Mirukandanathi	Thiruvannamalai
24	Sathanur	Thiruvannamalai
25	Shenbagathoppu	Thiruvannamalai



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Sl.No	Name of the Reservoirs	Located district
26	Andiyappanur Odai	Tirupattur
27	Mordhana	Vellore
28	Rajathopu Kanar	Vellore
	Madurai Region	
29	Manimuthar	Tirunelveli
30	Gadana	Tenkasi
31	Ramanadhi	Tenkasi
32	Gundar	Tenkasi
33	Karuppanadhi	Tenkasi
34	Adavinainarkoil	Tenkasi
35	Vadakku Pachaiyar	Tirunelveli
36	Nambiyar	Tirunelveli
37	Kodumudiyar	Tirunelveli
38	Vandal Odai	Tirunelveli
39	Pechiparai	Kanyakumari
40	Perunchani	Kanyakumari
41	Chittar-1	Kanyakumari
42	Chittar-2	Kanyakumari
43	Poigaiyar	Kanyakumari
44	Mambazhathuraiyar	Kanyakumari
45	Marudhanathi	Dindigu
46	Sirumaliyar Odai	Dindigul
47	Sathaiyar	Madurai
48	Vaigai	Theni
49	Shanmuganathi	Theni
50	Manjalar	Theni
51	Sothuparai	Theni
52	Pilavakkal Periyar	Virudhunagar
53	Pilavakkal Kovilar	Virudhunagar
54	Sasthakoil	Virudhunagar
55	Anaikuttam	Virudhunagar
56	Vembakottai	Virudhunagar
57	Golwarpatti	Virudhunagar
58	Irukkankudi	Virudhunagar
59	Periyar Dam	Iduki
60	Kullursandhai	Virudhunagar
	Coimbatore Region	
61	TN Sholayar	Coimbatore



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Sl.No	Name of the Reservoirs	Located district
62	Aliyar	Coimbatore
63	Upper Nirar	Coimbatore
64	Lower Nirar	Coimbatore
65	Palar/Porundalar	Dindigul
66	Parappalar	Dindigul
67	Varadhamanathi	Dindigul
68	Kudhiraiyar	Dindigul
69	Kodaganar	Dindigul
70	Nanganjiyar	Dindigul
71	Bhavanisagar Dam	Erode
72	Gunderipallam	Erode
73	NoyalOrathupalayam	Erode
74	Perumpallam	Erode
75	Varattupallam	Erode
76	Noyal Authupalayam	Karur
77	Thirumoorthy	Thirupur
78	Amaravathy	Thirupur
79	Uppar Dam	Thirupur
80	Vattamalaikarai Odai	Thirupur
81	Nallathangal Odai	Thirupur
82	Parambikulam	Palaghat
83 & 84	Thunak kadavu & Peruvari Pallam	Palaghat
Trichy Region		
85	Siddhamalli	Ariyalur
86	Ponnaniar	Karur
87	Anaimadavu	Salem
88	Kariakoil	Salem
89	Mettur	Salem
90	Uppar	Trichy

11. One of the status reports confirms that 34 leases had been subsisting as on 21.06.2023. The Court had called for the details of the 34 leases and a tabulation is filed to following effect:-



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Sl.No	Name of the Reservoir	District	Lease Handed Over	5 year Lease period upto
1	Guddar	Vellore	25.01.2022	24.01.2027
2	Mordhana	Vellore	24.04.2023	23.04.2028
3	Manimuktha	Villupuram	12.04.2019	11.04.2024
4	Gomuki	Villupuram	20.07.2020	19.07.2025
5	Anaimaduvu	Salem	15.03.2022	14.03.2027
6	Kariakoil	Salem	22.03.2021	21.03.2026
7	Krishnagiri (Due to damage of Shuttters during 2020, one year extension was granted)	Krishnagiri	04.12.2018	03.12.2024
8	Barur	Krishnagiri	09.07.2020	08.07.2025
9	SoolagiriChinnar	Krishnagiri	13.05.2021	12.05.2026
10	Pambar	Krishnagiri	03.03.2021	02.03.2026
11	Chinnar	Dharmapuri	01.07.2020	30.06.2025
12	Thumbalahalli	Dharmapuri	03.03.2021	02.03.2026
13	Nagavathy	Dharmapuri	01.07.2020	31.06.2025
14	Vaniyar	Dharmapuri	01.07.2020	31.06.2025
15	Kesarikulihalli	Dharmapuri	03.03.2021	02.03.2026
16	Thoppiyar	Dharmapuri	03.03.2021	02.03.2026
17	Gundaripallam	Erode	17.07.2020	16.07.2025
18	Varattupallam	Erode	23.07.2020	22.07.2025
19	Pillur Dam	Erode	24.11.2021	23.11.2026
20	Sholaiyar	Erode	10.12.2021	09.12.2026
21	Nallathangalodai	Erode	06.09.2021	05.09.2026
22	Sathiyar	Madurai	19.08.2021	18.08.2026
23	Marudhanadhi	Dindigul	11.01.2021	10.01.2026
24	Kudaganaru	Dindigul	31.03.2023	30.03.2028
25	Nangangiyar	Dindigul	09.03.2021	08.03.2026
26	Vaigai	Theni	23.03.2023	22.03.2028
27	Manjalar	Theni	11.10.2021	10.10.2026
28	Periyar	Virudhunagar	28.11.2020	27.11.2025
29	Kovilar	Virudhunagar	28.11.2020	27.11.2025
30	Vembakottai	Virudhunagar	02.03.2022	01.03.2027
31	Kullurchandai	Virudhunagar	20.10.2021	19.10.2026
32	Karuppanathi	Tirunelveli	20.04.2023	19.04.2028
33	Pechiparai	Nagercoil	10.04.2023	09.04.2028
34	Perunchani	Nagercoil	10.04.2023	09.04.2028



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12. The lease to the private respondent/R8 in W.P.No.19368 of 2023, was in force till 19.06.2023. Pursuant to his request, proceedings have been issued that have been impugned in that writ petition extending the lease on a month-on-month basis for a period of twelve months. While R8 would point to the fact that the intention under proceedings dated NIL.06.2023 in Na.Ka.No.220/தீ1/2023 is to extend the lease for a period of 12 months, the lease rent is payable only on month-on-month basis and has been collected only for one month after expiry of the lease.

13. Note dated 27.03.2024 filed by R1 states that though a month's extension had been granted to R8, there was a strike by the fishermen of the Society in the Bhavani Sagar Reservoir and, in effect, fishing had commenced only from 15.07.2023 for a period of one month till 14.08.2023.

14. According to R8, he has paid one more monthly instalment of Rs.21,16,286/- but has not been permitted to continue thereafter since the lease was admittedly taken over by the Tamil Nadu Fisheries Development Corporation and is being operated thereafter by them till date.

15. In light of the fact that one more monthly instalment has been paid by R8, let him request that he be permitted to continue fishing in the reservoir for a month longer and his request



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be considered by the authority concerned. That is to say, he may either be granted lease for one month or given a refund of the amount paid by him. No further orders are required in this writ petition.

16. As far as W.P.No.23602 of 2023 is concerned, the prayer of the petitioner is for grant of sub-lease to the members of the cooperative societies. This is a matter that has to be decided *inter se* the petitioner and the Society and thus the parties are at liberty to engage in discussion to negotiate and arrive at a proper method of allocation of rights as deemed appropriate by them, mutually.

17. All other writ petitions relate to the allocation of fishing rights, which will require passing of the Government Order under formulation. The respondents request a period of two months time as they say the process is on-going.

18. The 34 leases that had subsisted on 21.06.2023 have been extended for a period of five years. The understanding is that those leases would stand terminated upon the expiry of the period of five years.

19. The lease in Sl.No.3 of the tabulation in paragraph 11 *supra* (Manimuktha) expires on 11.04.2024. Upon termination of the same, it will vest in the appropriate department that owns the



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reservoir.

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20. As regards the other leases, they expire on various dates commencing from December, 2024, by which time, the Court believes fondly, the Government Order would be in operation.

21. Writ petitions stand disposed in terms of this order. No costs. Connected miscellaneous petitions are closed.

22. List under the caption 'for compliance' on 10.06.2024.

27.03.2024

Index:Yes

Neutral Citation:Yes

ssm

To

1.The Secretary to Government,
Animal Husbandry and Fisheries Department, Fort St.George,
Chennai- 600 009.

2.The Commissioner of Fisheries,
Nandanam, Chennai- 600 035.

3.The Managing Director
Tamilnadu Fisheries Development Corporation,
Chennai – 600 035.

4.The District Collector,Coimbatore.

5.The District Collector,Erode.

6.The Executive Engineer,
Water Resource Department,
Bhavani Sagar Dam Division,
Bhavani Sagar, Erode District.

7.The Deputy Director,
Fisheries Department,
Bhavani Sagar.



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8.The Assistant Director of Fisheries,
Erode.

9.The Additional Chief Secretary,
Water Resource Department, Secretariat,
Chennai – 600 009



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W.P.No.30333 of 2023 etc batch

DR. ANITA SUMANTH,J.

ssm

W.P.No.30333 of 2023 etc batch

27.03.2024