



W.P.No.34460 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34460 of 2024

1.Chinnathambi

2.Ramakrishnan

3.Marimuthu

4.Jothibasu

5.Murugan

... Petitioners

vs.

1.The Executive Engineer,
Public Works Department (WRO),
Melpennayaru Basin Division,
Dharmapuri-5.

2.The Assistant Director of Fisheries,
(Inland Fisheries),
Dharmapuri.

3.K.K.199 Palacode Paruvatha Rajakula
Fishermen Co-Operative Society,
Panchapalli Chinnaranani
Panchapalli, Palacode,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider



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and pass orders on the representation of the petitioners dated 04.11.2024 and to get lease of the fishing rights in the Jerthalav Eri, Palacode, Dharmapuri District in favour of 3rd respondent society for period of 2024-2025 to 2028-2029 totally five years by applying G.O.M.S.No.332, Animal Husbandry and Fisheries (FS.IV) Department dated 17.11.1993 and the orders passed in batch of writ petitions in W.P.No.6819 of 2023 etc., dated 21.06.2023.

For Petitioners : Mr.V.Elangovan

For R1 and R2 : Mr.G.Ameedius
Government Advocate

For R3 : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioners as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioners herein seek a direction to the respondents to consider their representation dated 04.11.2024 seeking lease of fishing rights in the Jerthalav Eri, Palacode, Dharmapuri District in favour of 3rd respondent-Society for a period from 2024-2025 to 2028-2029 by applying Government Order in G.O.M.S.No.332, Animal Husbandry and Fisheries



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(F.S.IV) Department, dated 17.11.1993.

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3. It is the case of the petitioners that they are all Members of the 3rd respondent-Co-operative Society. It is stated that all the Members of the 3rd respondent-Society are Inland Fishermen and they are depending on fishing activities carried in and around the lakes situated in Dharmapuri District. It is also stated that the petitioners are poor fishermen and there is no other income to lead their livelihood. The Palacode Jerthalav Eri is under the control of the 1st respondent. Previously, the fishery rights in the above mentioned lake leased out in favour of the 3rd respondent-Society for 5 years from 2017-18 to 2021-22. The above said lease was given in favour of the 3rd respondent-Society by following the guideline issued regarding preferential rights under G.O.M.S.No.332, Animal Husbandry and Fisheries (F.S.IV) Department, dated 17.11.1993. Now, the lease period of 5 years is already over in October, 2022.

4. It is also stated that except 3rd respondent-Society, there is no other fishermen society in the locality. Therefore, it is the case of the petitioners that by applying the guideline issued under G.O.M.S.No.332, Animal



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Husbandry and Fisheries (F.S.IV) Department, dated 17.11.1993, the 3rd respondent-Society is entitled to lease of fishery rights for a further period of 5 years. In this regard, the petitioners/Members of the 3rd respondent-Society submitted a representation before the respondents on 04.11.2024 seeking lease of fishing rights and the same has not been considered till date. Hence, the petitioners are come before this Court.

5. Mr.G.Ameedius, learned Government Advocate takes notice for the respondents 1 and 2 and Mr.V.Jeevagiridharan, learned Additional Government Pleader takes notice for the 3rd respondent.

6. The learned Government Advocate appearing for the respondents 1 and 2 would submit that the representation submitted by the petitioners dated 04.11.2024 will be considered by the 2nd respondent on its own merits and in accordance with law, within the time fixed by this Court.

7. In view of the same, without going into the merits of the claim made by the petitioners, this Court is inclined to direct the 2nd respondent to consider the representation of the petitioners dated 04.11.2024 in the light of



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G.O.M.S.No.332, Animal Husbandry and Fisheries (F.S.IV) Department,
dated 17.11.1993 and pass final orders on its own merits and in accordance
with law, within a period of six weeks from the date of receipt of copy of this
order, after issuing necessary notice to all interested parties.

8. With the above direction, the Writ Petition stands disposed of. No
costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

1. The Executive Engineer,
Public Works Department (WRO),
Melpennayaru Basin Division,
Dharmapuri-5.
2. The Assistant Director of Fisheries,
(Inland Fisheries), Dharmapuri.
3. K.K.199 Palacode Paruvatha Rajakula
Fishermen Co-Operative Society,
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S.SOUNTHAR, J.

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