



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE C.KUMARAPPAN**

**W.A(MD)Nos.569 to 571 of 2008
and
W.P(MD)No.4196 of 2007**

1.Nanjai Pattatharigal Sangam,
through its President T.V.R.Ramadoss,
No.8-10-5, South Street, Batlagundu,
Nilakottai Taluk, Dindigul District

... Petitioner/Appellant in W.A(MD)
No.569 of 2008

2.Batlagundu Pattatharigal Sangam,
through its President
T.V.R.Ramadoss,
No.8-10-5, South Street, Batlagundu,
Nilakottai Taluk, Dindigul District.

...Petitioner/Appellant in W.A(MD)
Nos.570 and 571 of 2008

(Substitution is ordered and T.V.R.Ramadoss is substituted
in the place of V.Shanmuganatha Pandian as per orders of this
Court made in C.M.P(MD)Nos.16677, 16680 and 16681 of 2023
in W.A(MD) Nos.569 to 571 of 2008, dated 06.02.2024)

.Vs.

1.The District Collector,

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Dindigul District,
Dindigul.

2.The Commissioner,
Batlagundu Panchayat Union,
Batlagundu,
Dindigul District.

3.Kattakamanpatti Panchayat,
through its President,
A.Tamilkodi, Nilakottai Taluk,
Dindigul District.

4.Old Batlagundu Panchayat,
through its President,
Batlagundu.

5.The Secretary to Government,
Public Works(W2) Department,
St.George Fort,
Chennai-9.

6.The Executive Engineer,
Public Works Department,
Periyakulam,
Theni District.

....Respondents/Respondents
in W.A(MD)No.569 of 2008

(Respondents 5 and 6 are impleaded as per common order of this Court made in M.P(MD)Nos.1,1 and 1 of 2012 in W.A.Nos.569 to 571 of 2008, dated 12.11.2013)

1.The Commissioner,
Batlagundu Panchayat Union,
Batlagundu,
Dindigul District.



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2.Kattakamanpatti Panchayat,
through its President,
A.Tamilkodi, Nilakottai Taluk,
Dindigul District.

3.The Secretary to Government,
Public Works(W2) Department,
St.George Fort,
Chennai-9.

4.The Executive Engineer,
Public Works Department,
Periyakulam,
Theni District.

(Respondents 3 and 4 are impleaded as per common order of this Court made in
M.P(MD)Nos.1,1 and 1 of 2012 in W.A.Nos.569 to 571 of 2008, dated
12.11.2013)Respondents/Respondents
in W.A(MD)No.570 of 2008

1.The Commissioner,
Batlagundu Panchayat Union,
Batlagundu,
Dindigul District.

2.Old Batlagundu Panchayat,
through its President,
Batlagundu,
Dindigul District.

3.The Secretary to Government,
Public Works(W2) Department,
St.George Fort,
Chennai-9.



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4.The Executive Engineer,
Public Works Department,
Periyakulam,
Theni District.

(Respondents 3 and 4 are impleaded as per common order of this Court made in M.P(MD)Nos.1,1 and 1 of 2012 in W.A.Nos.569 to 571 of 2008, dated 12.11.2013)
....Respondents/Respondents
in W.A(MD)No.571 of 2008

W.P(MD)No.4196 of 2007

Sookkanmai Pasana Ayakkattutharkal,
Chennagarampatti, Melur Taluk,
Madurai District, through its President,
C.Veeranan @ Krishnan

...Petitioner

/vs/

1.The District Collector,
Madurai District,
Madurai.-20.

2.The Block Development Officer,
Panchayat Union,
Kottampatti,
Melur Taluk,
Madurai District.

3.The President,
Chennagarampatti Village Panchayat,
Melur Taluk,
Madurai District.

...Respondents



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COMMON PRAYER in WRIT APPEALS: Writ Appeals filed under Clause 15 of Letters Patent Act praying this Court to set aside the orders passed by this Court made in W.P.Nos.5269 of 2006, 4515 of 2004 and 4293 OF 2004, dated 12.08.2008.

PRAYER IN W.P(MD)No.4196 of 2007: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent in his proceedings in Na.Ka.No.1123/2006/A6, dated 20.04.2007 and to quash the same and consequently to direct the Petitioner Ayakkatuthars alone are entitled to the fishery right in the subject matter Sookkanmai situated in Chennagarampatti Village of Melur Taluk, Madurai District.

For Appellant : Mr.R.Suriya Narayanan
in all W.As' and
Petitioner in W.P
(MD)No.4196 of 2007

For Respondents : Mr.A.K.Manikkam,
in all W.As' and Spl.Govt. Pleader
for Respondents
1 and 2 in W.P(MD)
No.4196 of 2007



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COMMON JUDGMENT

DR.G.JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.

These Writ Appeals and Writ Petition are preferred by the President of Water Users Association challenging the auction notice in respect of fishing right in the water body falling within the territorial jurisdiction of the respective Panchayats.

2.As a user of water in the water body, the right of fishing was also claimed by the appellants as well as the Writ Petitioner, wherein, the Local Body Authorities contested that as a person responsible for the protection of the natural resources under the statute, they have every right to auction the fishing rights.

3.This matter is dealt with in extensive by the learned Single Judge and considering the privy of the Tamil Nadu Panchayat Act 1984, particularly, Section 133 which deals about maintenance of irrigation work, execution of Kudimaramathu etc vis-a-vis, the right of the Association of the water users, had dismissed the Writ Petitions as misconceived. Challenging the same, the Writ



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Appeals are filed. In the meanwhile, Government has passed G.O.No.16,Public Works(W-2) Department, dated 14.01.2011, wherein, the right and responsibility to maintain water body has been taken from the Panchayat and divested with the Public Works Department. When the Government Order was challenged, the learned Single Judge of this Court, had upheld the validity of the Government Order in the order made in W.P(MD)No.6840 of 2012 etc.

4.In the light of the above facts and pronouncement, the learned Single Judge dismissed the Writ Petitions. The learned counsel for the Petitioner states that he has preferred the above Writ Petition challenging the Government Order in G.O.No.16,Public Works(W-2) Department, dated 14.01.2011 and the same is still pending.

5.Therefore, this Court is of the view that it is so, the appellant can work out his remedy in the manner known to law.

6.With the above observation, the Writ Appeals stands disposed of. In view of the disposal of the above Writ Appeals, nothing survives for adjudication in the



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Writ Petition and therefore, the Writ Petition stands dismissed. There is no order as to costs.

[G.J.,J.] [C.K.,J.]
06.02.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

W.A(MD)Nos.569 to 571 of 2008

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Dindigul District,
Dindigul.
- 2.The Commissioner,
Batlagundu Panchayat Union,
Batlagundu,
Dindigul District.
- 3.Kattakamanpatti Panchayat,
through its President,
A.Tamilkodi, Nilakottai Taluk,
Dindigul District.
- 4.Old Batlagundu Panchayat,
through its President,
Batlagundu.
- 5.The Secretary to Government,
Public Works(W2) Department,

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St.George Fort,
Chennai-9.

6.The Executive Engineer,
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W.P(MD)No.4196 of 2007

- 1.The District Collector,
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Madurai District.
- 3.The President,
Chennagarampatti Village Panchayat,
Melur Taluk,
Madurai District.



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DR.G.JAYACHANDRAN, J.
and
C.KUMARAPPAN,J.

vsn

COMMON JUDGMENT MADE IN

W.A(MD)Nos.569 to 571 of 2008
and
W.P(MD)No.4196 of 2007

06.02.2024