



W.P.No.4280 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4280 of 2025
and W.M.P.No.4788 of 2025

Chandra

.. Petitioner

Versus

1. The Assistant Director of Fisheries,
(Inland Fisheries),
Krishnagiri.

2. FMR.1, Kaveripattinam Paruvatha Rajakula
Fishermen Co-Operative Society,
Krishnagiri Dam, Krishnagiri District,
Rep. by its Special Officer

3. Padma

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the 1st respondent to issue suitable directions to the 2nd respondent to implement the order passed by the 1st respondent in proceeding in Na.Ka.No.666/E/2022 dated 06.01.2023



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and Na.Ka.No.666/E/2022, dated 05.06.2024 by permitting the petitioner to carry out the fishing operation in the Barur Periya Lake, Krishnagiri district as Share fisherman.

For Petitioner : Mr.V.Elangovan

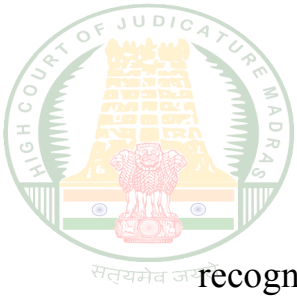
For Respondents : Mr.S.Senthil Murugan,
Special Government Pleader,
for RR-1 and 2

: Mr.V.Saravanan, for R3

ORDER

This is a conflict between the daughter and the stepmother.

2. The petitioner namely, *Chandra*, got married to one *Chidambaram*, who was a fisherman, after the death of his first wife. The third respondent is the daughter, born through the said *Chidambaram*, to the first wife. When the said *Chidambaram* passed away, in respect of the fishing rights in the Barur Periya lake at Krishnagiri district, an order was passed on 06.01.2023



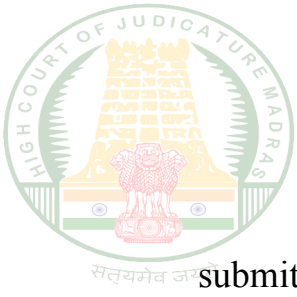
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recognising *Chandra* as the share fisherman in the place of *Chidambaram* and recognising the third respondent *Padma* as the Assistant Fisherman. In this regard, earlier, *Padma* challenged the same by way of W.P.No.11908 of 2023 and the same was dismissed by an order, dated 20.04.2023. The Writ Petition was dismissed as not maintainable. Therefore, the said *Padma* again filed O.S.No.8 of 2024 which is said to be pending.

3. It is stated that there is no interim order pending the suit. Pending the suit, it seems that the learned Assistant Public Prosecutor of the District Munsif Court, Pochampalli given a legal opinion and based on the said opinion, an order was passed on 05.06.2024 to continue *Chandra* also. The grievance of the petitioner is that inspite of the same, till date, the petitioner is not permitted by the third respondent. Therefore, this Writ Petition is filed to implement the said orders, dated 06.01.2023 and 05.06.2024.

4. Per *contra*, the learned Counsel for the third respondent would



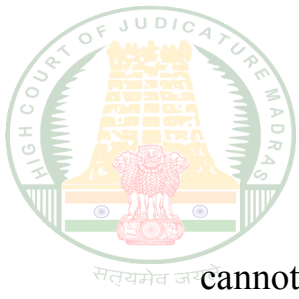
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submit that because the third respondent is the stepdaughter, if said order is implemented, the petitioner will not permit the third respondent from fishing activity.

5. I have considered the rival submissions made by the learned Counsel for the petitioner and I have also heard the learned Special Government Pleader for the first respondent.

6. This Court can understand the conflict between the stepmother and the stepdaughter. However, it is their destiny that for the purpose of livelihood, they have to be together fishing. Considering the rights of the parties arising out of the common ancestor namely, the father of the third respondent/the husband of the petitioner, late *Chidambaram*, the Department has rightly passed an order appointing the said *Chandra* as the Share fisherman and the third respondent as the Assistant Fisherman. Needless to mention that both the petitioner, *Chandra* or the third respondent, *Padma*,



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cannot totally prevent the other. The rights are already determined by the

second respondent by the orders, dated 06.01.2023 and 05.06.2024.

Therefore, both parties shall undertake the fishing together and it is even undertaken by the learned Counsel for the petitioner that the petitioner will not prevent the third respondent. Similarly, the learned Counsel for the third respondent also submitted that the third respondent will not prevent the petitioner. Both of them shall undertake the fishing as per the orders and the resultant profits shall be shared 50% each.

7. Therefore, making it clear that the petitioner or the third respondent shall not prevent each other and that they will share the proceeds at 50% each irrespective of the nomenclature that is made in the orders, the Writ Petition is disposed of. The said the orders, dated 06.01.2023 and 05.06.2024 shall be implemented by the respondents. Due protection shall be granted if one of the parties namely, the petitioner and the third respondent violates the same. Both of them have to fish together and the



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proceeds will be shared 50% each. There shall be no order as to costs.

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Consequently, connected miscellaneous petition is closed.

28.04.2025

Neutral Citation : no
grs

To

1. The Assistant Director of Fisheries,
(Inland Fisheries),
Krishnagiri.
2. The Special Officer,
FMR.1, Kaveripattinam Paruvatha Rajakula
Fishermen Co-Operative Society,
Krishnagiri Dam, Krishnagiri District.



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