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WP No. 7751 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP No. 7751 of 2025

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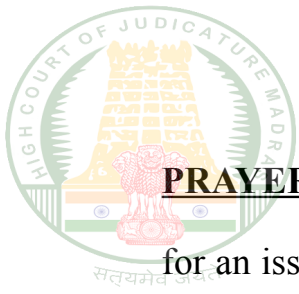
Members of FRM 6 Denkanikottai
Fishermen Co-operative Society Ltd.,
4/911, Ramar Koil, Anchetty,
Denkanikottai Taluk,
Krishnagiri District.

Petitioner(s)

Vs

1. The Executive Engineer,
Water Resources Department (formerly Pwd), Melpennaiyar Basin,
Dharmapuri.
2. The Deputy Director of Fisheries,
Dharmapuri - 636 701.
3. The Assistant Director of Fisheries,
Fisheries Department, Krishnagiri.
4. FRM 6 Denkanikottai Fishermen Co-operative Society Ltd.,
Rep. By Its Special Officer 4/911, Ramar Koil, Anchetty,
Denkanikottai Taluk, Krishnagiri District

Respondent(s)



PRAYER Writ Petition filed under Article 226 of Constitution of India seeking for an issuance of writ of mandamus to direct the respondents 1 to 3 to consider the representation of the petitioner dated 30.01.2025 and grant lease of fishing rights in Akka Thangai Lake at Denkanikottai Taluk, Krishnagiri District, in favour of the 4th respondent Co. Op Society for the period of 5 years from 2024-2029 by applying G.O.Ms. No 332, Animal Husbandry and Fisheries Department dated 17.11.1993 and order of this Honble Court dated 21.06.2023 made in W.P. No 6819 of 2023 etc batch cases, within the time frame fixed by this Court.

For Petitioner(s): Mr.S.Senthilnathan

For Respondent(s): 1.Mr.N.Naveen Kumar for R1 to R3
2.Mr.R.Sasikumar
Government Advocate for R4

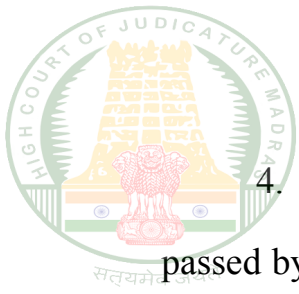
ORDER

The writ petition is filed to direct the respondents 1 to 3 to consider the representation of the petitioner dated 30.01.2025 and grant lease of fishing rights in Akka Thangai Lake at Denkanikottai Taluk, Krishnagiri District, in favour of the fourth respondent Co-operative Society for the period of 5 years from 2024-2029 by applying G.O.Ms. No 332, Animal Husbandry and Fisheries Department dated 17.11.1993 and the order passed by this Court dated 21.06.2023 in W.P. No 6819 of 2023 etc batch cases.



2. The case of the petitioner is that that he is a member of fourth respondent Society registered under Tamil Nadu Co-operative Societies Act, 1983. The fishermen Co-operatives Societies are given preference to do fishing in Tanks under the control of Fisheries Department and Public Works Department, now called Water Resources Department. The lake viz., Akka Thangai Lake situate at Denkanikottai Taluk, Krishnagiri District within the jurisdiction of the fourth respondent Society. The first respondent Executive Engineer, granted lease of fishing rights to the fourth respondent by proceedings dated 03.10.2020 for a period of five years from 2019 to 2024. Now the lease period for fishing rights is over and lease of fishing rights for the subsequent period is sought for by the petitioner in favour of the fourth respondent fishermen society. In this regard, the petitioner submitted representation dated 30.01.2025 to the respondents herein. No action has been taken. Hence the petition.

3. Learned Counsel for the petitioner would submit that the petitioner has given representation in this regard to all the respondents on 30.01.2025 and the acknowledgement card also submitted before this Court but no action has been taken by the respondents till date.



4. Learned Counsel for the petitioner placed reliance on the orders passed by this Court in W.P.No.6819 of 2023 etc., batch cases dated 21.06.2023 and the relevant portions are extracted hereunder:

"38.

(i)

(ii)

(iii) ...

(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."*

5. Learned Counsel for the petitioner also placed reliance on the orders passed in W.P.No.39534 of 2024 dated 02.01.2025 and the relevant portion is extracted hereunder:

"7. *In view of the same, without going into the merits of the claim by the petitioners, this Court is inclined to direct the 3rd respondent to consider the representation of the petitioners dated 26.11.2024 in the light of G.O.Ms.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 a copy of this order, after
issuing necessary notice to all the interested parties."*

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6. Learned Additional Government Pleader appearing for the respondents 1 to 3 filed a Status Report dated 14.03.2025 before this Court.

7. Learned Additional Government Pleader would submit that Akka Thangai Lake belongs to Public Work (Water Resources) Department. Granting of fishery lease rights / getting lease of the fishing rights in favour of the fourth respondent Society is not feasible as it can be considered only by the Public Work (Water Resources) Department and not by Fisheries and Fishermen Welfare Department.

8. Heard both sides and perused the materials available on record.

9. In the light of the orders passed in W.P.No.6819 of 2023 etc., batch cases dated 21.06.2023 and in W.P.No.39534 of 2024 dated 02.01.2025, this Court direct the first respondent / Executive Engineer, Public Work Department (WRD) to consider the above said representation of the petitioner dated 30.01.2025, after giving due notice to the petitioner and to the fourth respondent Society, opportunity of personal hearing, consider the documents filed by the respective parties and pass appropriate orders on merits, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



10. This Writ Petition is disposed of with the above observations and directions. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Executive Engineer

Water Resources Department (formerly
PwD), Melpennaiyar Basin,
Dharmapuri.

2. The Deputy Director Of Fisheries,
Dharmapuri 636 701

3. The Assistant Director Of Fisheries,
Fisheries Department, Krishnagiri

4. Frm 6 Denkanikottai Fishermen Co-
operative Society Ltd.,
Rep. By Its Special Officer 4/911,
Ramar Koil, Anchetty, Denkanikottai
Taluk, Krishnagiri District



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J.SATHYA NARAYANA PRASAD J.

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