



WP No. 11539 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

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CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP No. 11539 of 2025

AND

WMP NO. 13033 OF 2025

1. V.Ravi
2. Iyappan
- 3.R.Shankar
- 4.T.Murugan
- 5.Kadiravan @ Velu
6. Padmanaban
- 7.P.Murugan
- 8.C.Venkatesh
9. Silambarasan
10. Munirathinam
11. Arumugam
12. Chandarappa
13. Govindan
- 14.M.Murugan



15.V.Narayanasamy

16.L.Babu

17. Senthilkumar

18.K.Muniyappa

19.T.Kumar

20.R.Kumar

21.T.Rajendran

22.V.Balu

23.Muniventan @ Kutti

24. Kuppusamy

25.M.Murugesan

Petitioners are the members of FMR 3 Hosur In Land Fishermen Co-Operative Society Ltd., No.60/76, Weavers Street, Hosur, Krishnagiri District.

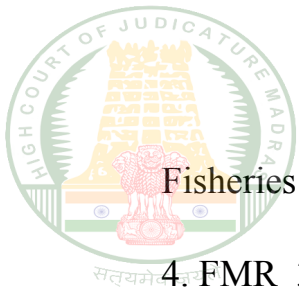
Petitioners

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. FMR 3 Hosur In Land Fishermen

Co-Operative Society Ltd.,

Rep., by its Special Officer,

No.60/76, Weavers Street,

Hosur, Krishnagiri District.

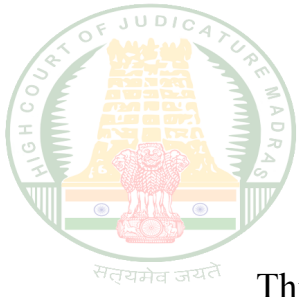
Respondent(s)

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 22.01.2025 and grant lease of fishing rights in Chandrambikai Lake at Hosur 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 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): Mr.M.Rajendiran
Additional Government Pleader
for R1 To R3
Mr.C.Goutham Raj
Government Advocate for R4



ORDER

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This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the representation of the petitioner dated 22.01.2025 and grant lease of fishing rights in Chandrambikai Lake at Hosur 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 court dated 21.06.2023 made in W.P. No. 6819 of 2023 etc batch cases, within the time frame fixed by this court.

2. Mr.M.Rajendiran, learned Additional Government Pleader, takes notice on behalf of the respondents 1 to 3 and Mr.C.Goutham Raj, learned Government Advocate, takes notice on behalf of the 4th respondent. By consent of the parties, the main Writ Petition is taken up for final disposal at the time of admission itself.

3. The case of the petitioner is that the petitioners are the members of



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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.,

Chandrambikai Lake situated at Hosur Taluk, Krishnagiri District, within the

jurisdiction of the fourth respondent Society. The petitioners herein and other

members of the 4th respondent society made a representation on 22.01.2025

before the respondents, seeking for grant of lease of fishing rights in respect of

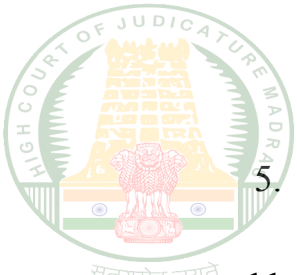
Chandrambikai Lake at Hosur Taluk, Krishnagiri District in favour of the 4th

respondent Co-operative Society for a period of 5 years from 2024-2029.

However, the said representation was not considered by the respondents, the

petitioner had filed the present Writ Petition.

4. The learned counsel for the petitioner submitted that, it would be suffice, if this Court issues a direction to the respondents to consider the petitioners' representations dated 22.01.2025 and pass orders on the same within a particular time frame fixed by this Court.



5. 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 of the orders are extracted hereunder:

"38.

(i)

(ii)

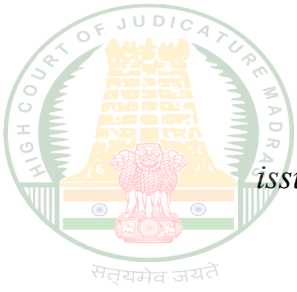
(iii) ...

(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."*

6. 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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7. Learned Additional Government Pleader would submit that Chandrambikai Lake at Hosur Taluk, Krishnagiri District 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 22.01.2025, 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.

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10. This Writ Petition is disposed of with the above observations and directions. No costs. Consequently, connected Miscellaneous Petition is closed.

01-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

jd

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. FMR 3 Hosur In Land Fishermen
Co- Operative Society Ltd.,
Rep., by its Special Officer,
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