



W.P.No.13948 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

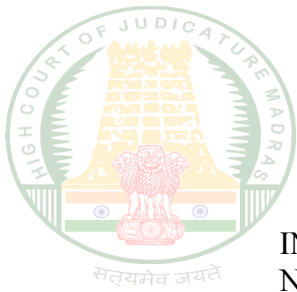
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1. R.MURTHY,
EX. PRESIDENT OF P.E SIRUMUGAI,
FISHERMEN CO -OPERATIVE SOCIETY LTD,
SIRUMUGAI VILLAGE,
COIMBATORE DISTRICT.
2. M.SUBRAMANIAN
EX.PRESIDENT,
F(PL) 10 BHAVANI SAGAR FISHERMEN
CO-OPERATIVE SOCIETY LTD,
NO. 22, ANNA NAGAR,
BHAVANI SAGAR, ERODE DISTRICT.

... Petitioners

Vs

1. THE GOVERNMENT OF TAMILNADU,
REP. BY SECRETARY TO GOVERNMENT,
ANIMAL HUSBANDARY, DAIRYING,
FISHERIES AND FISHERMAN WELFARE (FS6) DEPARTMENT,
FORT ST. GEORGE,
CHENNAI – 600 009.
2. THE COMMISSIONER OF FISHERIES,
NANDHANAM, CHENNAI - 600 035.
3. THE DEPUTY DIRECTOR,
FISHERIES DEPARTMENT,
BHAVANI SAGAR.
4. TAMIL NADU FISHERIES DEVELOPMENT
CORPORATION LIMITED,
4TH FLOOR,



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INTEGRATED ANIMAL HUSBANDRY AND FISHERIES BUILDING,
NANDANAM, CHENNAI - 600 035.

(R4- SUO MOTO IMPEADED AS PER ORDER DATED 17.04.2025
IN W.P.NO. 13948 OF 2025 BY DBCJ)

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... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, direct the respondents herein, to permit the petitioner societies, to take lease of the fishing rights in the Bhavani Sagar reservoir, jointly and consequently direct the respondents herein to allow the Petitioner societies to administer the lease of fishing rights in the Bhavani Sagar Reservoir, in concert, through a Joint Managing Committee.

For Petitioner : Mr.V.Balasubramanian
Senior Counsel for Mr.M.Roshan Atiq

For R1 to R3 : Mr.S.Senthil Murugan
Special Government Pleader

ORDER

Heard the learned Senior Counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents 1 to 3.

2. The learned Senior Counsel appearing on behalf of the petitioner, taking this Court through the earlier order passed in a batch of writ petitions in W.P. No. 6819 of 2023, etc., would submit that now the fishery rights have to



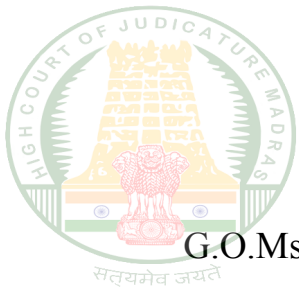
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be granted as per the dictum of this Court in the said judgment. Wherever the

cooperative societies exist, preference has to be given to them. If the local fishermen, including persons belonging to Scheduled Castes, form a cooperative society, the rights have to be given to the said cooperative society. Only if there is more than one cooperative society in a particular locality, then the rights have to be auctioned.

3. As far as the Bhavani Sagar reservoir is concerned, at present there are two cooperative societies and both are petitioners before this Court. As a matter of fact, there are eligible fishermen/persons belonging to Scheduled Castes in both societies. Both societies do not want to deprive the rights of individuals who are members of the other society. In that view, even though there is more than one society, there is no necessity for auctioning the matter, as both societies are willing to jointly pay the upset price and take the lease. They will cooperate between themselves with reference to the fishing rights, and there will not be any conflict or dispute among them. They also do not propose to re-auction or sublease the auction rights.

4. Per contra, the learned Special Government Pleader appearing on behalf of the respondents 1 to 3, drawing the attention of this Court to



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G.O.Ms. No. 5 dated 30.01.2025, would submit that only considering the said

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ruling of this Court and all the other connected orders passed in the writ petitions, comprehensive guidelines have now been issued. As per the said G.O.Ms.No. 5, the Bhavani Sagar reservoir is now vested with the fourth respondent corporation. As per the guidelines, if there is more than one society, the auction has to be conducted by the said corporation. Therefore, it is for the petitioners to make a representation to the said corporation. The Corporation shall consider the same in accordance with law.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. The entire idea behind framing the guidelines, as well as the previous orders of this Court, is with a view to giving preference to the local people whose livelihood depends upon fishing in these water bodies. Preference was directed to be given to the cooperative society only with that objective so that all the members of the cooperative societies will engage in fishing and their livelihood can be protected. At the same time, to avoid any kangaroo Courts or other extra-constitutional biddings in respect of the fishing rights, the right is given to the authorities to fix the upset price. Therefore, the direction with



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reference to auction is given only if there is more than one society. But if two

societies are cooperating for the benefit of their members, it cannot be ipso facto rejected as if a cartel is being formed or intended to defraud the Government. The fourth respondent corporation will be entitled to take into account the quantum of fish involved and accordingly fix the upset price.

7. Two options are open to the parties. The petitioners can make a joint representation to the fourth respondent and the fourth respondent, after finding that there is no competition at all even though there is more than one cooperative society can straightaway fix the upset price and allot the rights to the cooperative societies in their joint name. Alternatively, the fourth respondent may conduct an auction, but both petitioners can be permitted to make a single joint bid. There is no prohibition either in the court's orders or in the Government Order with respect to two cooperative societies cooperating with each other without any conflict to make a joint bid. This would ensure that, even if any third party is interested in bidding, such a joint bid need not be rejected by the fourth respondent.

8. It is also made clear that the fourth respondent can further supervise the matter to avoid any internal bidding or subleasing, etc. Therefore, within



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one week from the date of uploading the web copy of this order without

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waiting for the certified copy the petitioner may make a representation to the fourth respondent. The fourth respondent shall pass a reasoned order in accordance with law as to the course proposed to be adopted and based on the same, the parties may work out their further rights. The fourth respondent shall determine the issue as per the observations made herein and if any auction is proposed to be conducted, both petitioners and the cooperative societies can make a joint bid. While fixing the upset price, the Committee may take this into consideration.

9. In view thereof, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed. No costs.

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Neutral Citation: Yes/No
nsl



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To

1. THE SECRETARY TO GOVERNMENT,
ANIMAL HUSBANDRY, DAIRYING,
FISHERIES AND FISHERMAN WELFARE (FS6) DEPARTMENT,
FORT ST. GEORGE,
CHENNAI – 600 009.
2. THE COMMISSIONER OF FISHERIES,
NANDHANAM, CHENNAI - 600 035.
3. THE DEPUTY DIRECTOR,
FISHERIES DEPARTMENT,
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NANDANAM, CHENNAI - 600 035.



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D.BHARATHA CHAKRAVARTHY, J.

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