



Writ Petition No.22999 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.22999 of 2025

and

W.M.P.Nos.25833 & 25834 of 2025

1. Rangasamy
S/o.Rangasamy

2.B.C.Saravana Selvan
S/o.Chinnasamy

3.K.Chitrarasu
S/o.Kuttiappan

4.P.Sankar
S/o.Perumal

5.K.Shanmugam
S/o.Kuttiappan

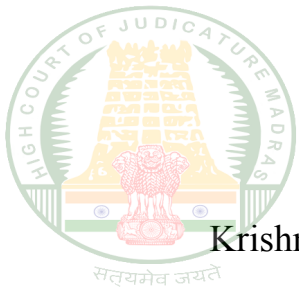
Petitioners

Vs

1. The State of Tamil Nadu
Rep. By The Secretary to Government,
Animal Husbandry and Fisheries Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Fisheries
Fisheries and Fishermen Welfare,
Animal Husbandry and Fisheries Campus,
Nandanam, Chennai - 600 035.

3.The District Collector,



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Krishnagiri District, Krishnagiri.

4.The Regional Level Redressal Committee
Rep. By Its Deputy Director of Fisheries,
Fisheries & Fishermen Welfare,
Dharmapuri Region,
Opp.Collectorate, Dharmapuri.

5.The Deputy Director
Fisheries & Fishermen Welfare,
Inland Fisheries, Dharmapuri Region,
Opp. Collectorate, Dharmapuri.

6.The Assistant Director of Fisheries
Fisheries and Fishermen Welfare Board,
Inland Fisheries, KRP Dam, Krishnagiri.

7.FMR 1, Kaveripattinam Paruvatha Rajakula
Fishermen Cooperative Society,
Agaram Road, Opp. Santhosh Theatre,
Kaveripattinam, Krishnagiri District,
rep. by is Administrative Officer

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the fifth respondent issued vide order in Se.Mu.Aa.No.2558/E/2018 dated 13.06.2025, quash the same and consequently direct the respondents to grant extension of lease of Barur Big Tank, Barur, Pochampalli Taluk which was granted as per the orders of the fifth respondent dated 09.07.2020 for further period of six months from 08.07.2025 to the petitioner society/7th respondent.

For Petitioner : Mr.Doraisamy for Mr.V.Elangovan



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For Respondents : Ms.P.Aishwarya,
Government Advocate [R1 to R6]
Mr.V.Nanmaran,
Additional Government Pleader [R7]

ORDER

This writ petition has been filed challenging the impugned proceedings of the fifth respondent dated 13.06.2025 and for a consequential direction to the respondents to grant extension of lease at Barur Big Tank, Barur, Pochampalli Taluk.

2. The case of the petitioners is that they are members of the seventh respondent co-operative society. The Barur Big Tank is under the control of the fisheries department. The tank was leased out to the seventh respondent society as per G.O.(Ms) No.15, dated 29.01.2020, for the period from 09.07.2020 to 08.07.2025. According to petitioners, due to fengal cyclone, there was large scale destruction due to flood waters breaching the Barur Big Tank and as a result, the entire fishes grown for five months were washed away. Hence, the petitioners were not able to carry out fishing activities and they suffered huge loss. Under such circumstances, the petitioners sought for extension of the lease period for a period of six months from 08.07.2025.



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3. The fifth respondent, through the impugned proceedings dated 13.06.2025, rejected the claim made by the petitioners and aggrieved by the same, the present writ petition has been filed before this Court.

4. When the matter came up for hearing on 25.06.2025, this Court directed the learned Additional Government Pleader to take instructions and to file a status report before this Court. Accordingly, a status report was filed before this Court and the relevant portions are extracted hereunder:

"In Krishnagiri District, under the control of the Department of Fisheries and Fishermen Welfare, the fishing rights of Barur Periya Eri were leased out for five years (from 09.07.2020 to 08.07.2025) to F.M.R.1 Kaveripattinam Parvatharajakula Fishermen Cooperative Society, as per the proceedings issued by the Deputy Director, Fisheries and Fishermen Welfare Department (Regional), Dharmapuri dated: 09.07.2020.

As per the fishery lease agreement condition No:04 the Lessee should pay the lease amount to the Government two months prior to the beginning of each year in order to commence fishing activities for the next year. The lease amount of fifth year is Rs.2,53,69,633/- along with the Tamil Nadu Fishermen Welfare Board Contribution of Rs.17,75,875/-, has to be paid before commencement of the fifth year lease period on 08.07.2024 for continuing leasing of fishing rights. Whereas the fifth year lease amount was not paid to the Government by the Lessee/Petitioner on time.



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However, on total lease amount of Rs.2,53,69,633/- a partial payment of Rs.1,30,00,000/- was made through members of the Fishermen Co-operative Society on 08.07.2024. Since the full amount was not paid in accordance with the agreement condition and to avoid revenue loss to the Government, the Commissioner of Fisheries, Chennai has issued directions to temporarily suspend fishing until full payment was made by the Lessee/Petitioner. Based on the direction, the Assistant Director of Fisheries, Krishnagiri has suspended the Barur Peria Eri fishing activities for 76 days, from 05.08.2024 to 19.10.2024.

In continuance of this, the members of the Fishermen Co-operative Society requested the Commissioner of Fisheries to grant extra time to pay the pending lease amount. Considering the welfare of the Co-operative society, the Commissioner of Fisheries, Chennai has permitted to continue the fishing rights from 10.10.2024 with the conditions of remaining lease amount of Rs.1,23,69,633/- and the Tamil Nadu Welfare Board contribution of Rs.17,75,874/-, totalling Rs.1,41,45,507/- to be paid within two months period. Accordingly, the remaining lease amount was paid on 11.12.2024 and 10.01.2025 by the Members of F.M.R.1 Kaveripattinam Parvatharajakula Fishermen Co-operative Society exclusive of Rs.20,98,094/- (Tamil Nadu Fishermen Welfare Board Contribution and Royalty).

Subsequently, the members of the F.M.R.1 Kaveripattinam Parvatharajakula Fishermen Cooperative Society has submitted a petition dated 22.04.2025, stating that they incurred significant losses due to heavy rainfall caused by the Fengal cyclone in December 2024 in and around Barur areas, and the 76-day period suspension of fishing due to delayed lease payment. Also the members of the Co-operative Society have filed a Writ Petition in the Hon'ble High Court of Madras W.P.No.17295 of 2025 and seeking six-month extension for leasing of fishery rights of Barur Periya Eri.

Based on the Writ Petition filed by the petitioner in the Hon'ble High Court of Madras order passed in W.P.No.17295 of 2025 dated 08.05.2025 in Para 4 without going into the merits of the case and considering the facts and circumstances, the 5th respondent is directed to consider the representation of the petitioner and pass appropriate orders in accordance with law



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within a period of six weeks from the date of receipt of a copy of this order.

The suspension of fishing occurred because the lease amount was not paid before the fifth year lease began, as agreed by the agreement. However, considering the welfare of the Co-operative members, a two-month extension has been already granted to pay the lease dues, and permission to continue fishing. Therefore, for avoiding revenue loss to the Government as per Clause 37 and 38 of the Lease Agreement, there is no provision to extension of leasing of fishery rights further period by six months was informed to the members of Fishermen Co-operative Society by the fifth respondent/Deputy Director of Fisheries (Regional), Dharmapuri according the order passed in W.P.No.17295 of 2025 dated : 08.05.2025 in the Honble High Court of Madras.

Only excess water was released from Barur Periya Eri during the Fengal cyclone during December 2024. Since there was no damage to the Eri's shutters or embankments and water was not completely discharged from the Barur Periya Eri.

Furthermore, the Fengal cyclone not affected the fishery resources in Barur Periya Eri. The same quantity of fish that was caught before the cyclone was also caught after the cyclone by the members of the F.M.R.1 Kaveripattinam Parvatharajakula Fishermen Cooperative Society in Barur Periya eri and this was recorded."

5. Heard Mr.Doraisamy, learned counsel for petitioner, Ms.P.Aishwarya, learned Government Advocate appearing for respondents 1 to 6 and Mr.V.Nanmaran, learned Additional Government Pleader appearing for seventh respondent.

6. Learned counsel for petitioners brought to the notice of this Court G.O.(Ms) No.5 dated 30.01.2025 and also the annexure to the said



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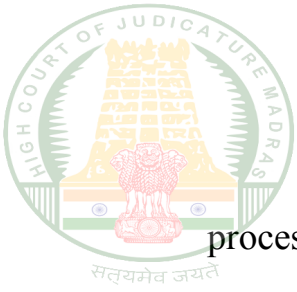
Government Order, which provides guidelines/procedure.

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7. Learned counsel submitted that the society was seeking for extension of lease for a period of six months and when such a request was made, the same ought to have been referred to the Redressal Committee whereas the fifth respondent has taken a decision and rejected the claim made by the petitioners.

8. In reply to the above submission, learned Additional Government Pleader submitted that reference to the Redressal Committee will arise only with respect to water bodies other than reservoirs which are vested with the Fisheries and Fishermen Welfare Department. In the case in hand, it is only a reservoir and therefore, there is no necessity to refer the grievance expressed by the petitioner to the Redressal Committee.

9. Without getting caught into the technicalities, this Court must see the ground on which the petitioners are seeking for extension of lease period. The lease period was for five years starting from 09.07.2020 to 08.07.2025. The tank was leased to the seventh respondent society. The persons, who are involved in catching fishes normally adopt the



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process of doing fish culture which takes up to five to six months for the fishes to grow and which are ultimately undertake fishing activity and the revenue is earned. During the fengal cyclone, there was heavy rain and a breach was caused to the Barur Big Tank since the shutters were opened and according to the petitioners, the entire fish culture of nearly 4,00,000 fingerlings which were grown for nearly five months were washed away. This claim made by the petitioners is substantiated by the report that was submitted by the committee constituted for this purpose and the said report is available at P.Nos.100 to 105 in the typed set of papers. Therefore, the claim made by the petitioners is substantiated by means of this report that has been given by the committee.

10. The respondents have taken a stand that considering the claim made by petitioners, they were inclined to grant extension for two months and that the petitioners do not have a right to seek for extension of lease as per the conditions of lease.



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11. It is not in dispute that the petitioners cannot claim extension of lease as a matter of right. They are bound by the conditions of lease and if the petitioners had exercised their fishing rights for five years, they will not be allowed to seek for extension of period of lease. However, that is not the ground on which the petitioners have approached this Court.

12. The grievance of the petitioners is that they had done the fishing culture for nearly five months and the entire grown fishes were washed away during the fengal cyclone due to flood waters. Hence, for that period, they are correspondingly seeking for extension of lease so that they will do the fish culture and thereafter, they can undertake the fishing activity and they can offset the loss incurred by them. Hence, without taking this into consideration, there is no use in informing the society that they will be given a month or two months time as extension of lease. Such an extension is not really going to help the society and they will not be able to do fish culture within that short period.

13. In a case of this nature, the authority will have to take into consideration the real hardship faced by the society due to the act of God. In any event, the society is not going to unlawfully gain by extending the



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period for six months and it will offset the loss incurred to the society due to fengal cyclone.

14. In the light of the above discussion, considering the extraordinary facts of this case, this Court is inclined to interfere with the order passed by the fifth respondent dated 13.06.2025 and this Court is inclined to grant extension for six months from 08.07.2025.

15. Accordingly, the order passed by the fifth respondent dated 13.06.2025 is hereby quashed and the society is granted extension of lease for a period of six months from 08.07.2025. This case will not be cited as a precedent in any other case since such a relief is granted not because the petitioners have a right to seek for extension and the relief is granted considering the peculiar facts of the case and the real hardship faced by the seventh respondent society due to fengal cyclone.

In the result, this writ petition is allowed in the above terms. It is made clear that beyond the period of six months, the petitioners will not be allowed to seek for any extension of time and it is left open to the



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respondents to conduct fresh auction in order to lease out the fishing right of the Barur Big Tank. No costs. Consequently, connected miscellaneous petitions are closed.

02.07.2025

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

1.The Secretary to Government,
Animal Husbandry and Fisheries Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Fisheries
Fisheries and Fishermen Welfare,
Animal Husbandry and Fisheries Campus,
Nandanam, Chennai - 600 035.

3.The District Collector,
Krishnagiri District, Krishnagiri.

4.Deputy Director of Fisheries,
Fisheries & Fishermen Welfare,
The Regional Level Redressal Committee
Dharmapuri Region,
Opp.Collectorate, Dharmapuri.

N.ANAND VENKATESH, J

gm

5.The Deputy Director



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Fisheries & Fishermen Welfare,
Inland Fisheries, Dharmapuri Region,
Opp. Collectorate, Dharmapuri.

6.The Assistant Director of Fisheries
Fisheries and Fishermen Welfare Board,
Inland Fisheries, KRP Dam, Krishnagiri.

7.The Administrative Officer,
FMR 1, Kaveripattinam Paruvatha Rajakula
Fishermen Cooperative Society,
Agaram Road, Opp. Santhosh Theatre,
Kaveripattinam, Krishnagiri District.

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