



W.P.No.36599 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.36599 of 2025

and

W.M.P.Nos.40908 & 40910 of 2025

M.Buvaneswari

... Petitioner

Vs.

- 1.The Executive Engineer,
Public Works Department (WRO),
Melpennayaru Basin Division,
Dharmapuri – 5.
 - 2.The Assistant Engineer (WRO),
Public Works Department (WRO),
Harur Irrigation Division,
Harur, Dharmapuri District.
 - 3.The Assistant Director of Fisheries,
(Inland Fisheries),
Ottapatti, Collector Office Post,
Dharmapuri – 636 705.
 - 4.FMR.21, Morappur Fishermen Co-operative Society,
Kuppachiammal Illam,
Mariyamman Koil Street,
Harur – 636 903,
Dharmapuri District,
Rep. by its Special Officer.
- ... Respondents



W.P.No.36599 of 2025

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the auction notice issued by the 2nd respondent in Ka.No.Ko15/2025/Vu.Po(Harur) dated 16.09.2025 quash the same and forbearing the respondents 1 to 3 from preventing the members of the 4th respondent Fishermen Co-Operative Society from fishing in the “Harur Periya Eri” (Lake) as per the allotment order in L.No.1117/Ko/29/2021/Tha4 dated 04.03.2021.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.P.Ganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner seeks a Writ of Certiorarified Mandamus, to call for the records relating to the auction notice issued by the 2nd respondent in Ka.No.Ko15/2025/Vu.Po(Harur) dated 16.09.2025 quash the same and forbearing the respondents 1 to 3 from preventing the members of the 4th respondent Fishermen Co-Operative Society from fishing in the “Harur Periya Eri” (Lake) as per the allotment order in L.No.1117/Ko/29/2021/Tha4 dated 04.03.2021.

2. Mr.P.Ganesan, learned Additional Government Pleader, accepts notice on behalf of the respondents. In view of the consent expressed by



W.P.No.36599 of 2025

the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was the Ex-President of the 4th respondent society and now member of the above society. The Harur Periya Eri is under the control of the respondents 1 and 2. Except fishing in the above lake, the members of the 4th respondent society have no other income source. The lease right for fishing in the above lake is allotted to the 4th respondent society by the respondents 1 and 2 for the period of 5 years (2021 – 2025) and the period of lease was expired in June 2025. Instead of allotting fishing right to the 4th respondent society, the 2nd respondent issued an auction notice in Ka.No.Ko15/2025/Vu.Po(Harur), dated 16.09.2025 calling for the tenders for the allotment of fishing right in the above lake for the period from 01.07.2025 to 30.06.2025. As per the notification, the auction will be conducted on 29.09.2025 at 11.00 a.m. at the office of the 2nd respondent. Challenging the said auction notice, the petitioner has filed this writ petition before this Court.

4. The learned counsel appearing for the petitioner submits that as per the order made in a batch of writ petitions in W.P.No.6819 of 2023,



W.P.No.36599 of 2025

dated 21.06.2023, this Court clearly held that the cooperative societies composed of fishermen or Harijans engaged in fishing should first be given an opportunity of taking the fishery on lease and if there is no cooperative society to take the lease, opportunity should be given to the Panchayat working in the area to take the lease on the same amount. If neither the cooperative society nor the Panchayat is willing to take the lease, the preference should be given as per RSO 211, which has been followed in G.O.Ms.No.332 dated 17.11.1993 scrupulously. Without following the guidelines framed by this Court, the 2nd respondent has issued the impugned notice, which is wholly unsustainable. Further, he submits that the guidelines framed by this Court was affirmed by the Division Bench of this Court in W.A.No.152 of 2024 vide judgment dated 18.01.2024. Accordingly, he prays for allowing this writ petition.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that this Court may set aside the impugned order and grant liberty to the respondents to follow the guidelines framed by this Court in W.P.No.6819 of 2023, etc. Batch.



W.P.No.36599 of 2025

6. In view of the above submissions made by the learned counsel appearing for the parties, the impugned order passed by the 2nd respondent is set aside and this Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

23.09.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

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W.P.No.36599 of 2025

M.DHANDAPANI, J.

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W.P.No.36599 of 2025

23.09.2025