



WEB COPY

WP No. 44148 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 18-11-2025**

CORAM

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**W.P. No. 44148 of 2025**

1. N.Vikram  
S/o.Nagarathinam, Residing At  
K.Poosaripatti Village, Mel  
Karadikurichi Post, Kattinayanapalli  
Panchayat, Krishnagiri Taluk and  
District-635 002.

Petitioner(s)

Vs

1. The Executive Engineer  
Upper Pennaiyar Basin Division,  
Water Resources Department,  
Dharmapuri - 636 705.

2.The Assistant Engineer  
Water Resources Department,  
KRP Dam Division,  
Krishnagiri-635 101.

3.The Assistant Director  
Fisheries And Fishermen Welfare  
Department, Krishnagiri District.

4.FMR-2, Krishnagiri Parvatha Rajakula  
Fishermen Co-operative Society,  
Rep. By Its Administrative Officer,  
Krishnagiri Dam, Krishnagiri District.

5.Rameshkumar  
S/o.Govindasamy, K.Poosaripatti,  
Melkaradikuri Post,  
Krishnagiri Taluk and District.



6.Manickam  
S/o.Venkatasamy, K.Poosaripatti,  
Melkaradikuri Post,  
Krishnagiir Taluk and District.

7.Kumar  
S/o.Kalyani, K.Poosaripatti, Melkaradikuri  
Post, Krishnagiir Taluk and District.

8.Narayanan  
S/o.Kuppusamy, K.Poosaripatti,  
Melkaradikuri Post,  
Krishnagiir Taluk and District.

Respondent(s)

**PRAYER**

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 3<sup>rd</sup> respondent in Letter No.496/Go.29/ 2025 (Meenpasi K.Giri) Tha 4 dated 09.06.2025 and to quash the same and consequently direct the respondents 1 to 3 to conduct a fresh public auction for the grant of fishing rights for the fasli years 2025-26 to 2029-30 (five years) in respect of Padathalav Lake, Krishnagiri District.

For Petitioner(s): Mr. J. Pradeep

For Respondent: Ms. S.Anitha  
Special Government Pleader  
for R1 to R4

**ORDER**

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 3<sup>rd</sup> respondent in Letter No.496/Go.29/ 2025 (Meenpasi K.Giri) Tha 4 dated 09.06.2025 and to quash the same and consequently, direct the respondents 1 to 3 to conduct a fresh public auction for the grant of fishing rights for the fasli years 2025-26 to 2029-30 (five years) in respect of Padathalav Lake, Krishnagiri District.

2. The learned counsel appearing for the petitioner submits that the



petitioner is a resident of Poosaripatti Village, Melkaradikuri Post, Krishnagiri District. The petitioner has repeatedly made representations to the authorities concerned requesting that the fishing rights for the fasli years 2025-26 to 2029-30 be granted only through a public auction. However, the first respondent has granted the fishing rights by way of a lease in favour of the 4<sup>th</sup> respondent / Fishermer Co-operative Society, Krishnagiri.



3. The learned counsel for the petitioner further submits that any public property or land has to be auctioned only through a public auction. However, in the present case, the lease of fishing rights has been granted in favour of the 4<sup>th</sup> respondent Society, which is not sustainable in law. On this sole ground, the present Writ Petition has been filed.

4. Per contra, the learned Additional Government Pleader appearing for respondent Nos.1 to 3 would submit that as per the directions issued by this Court in W.P.No.18877 of 2025 dated 23.05.2025, first priority has to be accorded to the Society. In the present case, in compliance with the said directions, the lease of fishing rights was granted in favour of the 4<sup>th</sup> respondent Society. Hence, the relief sought for by the petitioner cannot be granted and accordingly, he prayed for dismissal of this case.

5. In similar circumstances, this Court, in ***W.P.No.6819 of 2023, etc. batch, dated 21.06.2023***, had held as follows:-

“28. The scenario of fixing the upset price comes into play only when the leasing rights are contested between two parties. However, RSO clearly mandates the preference in which the lease for fishing rights to be given. In that, RSO 211 clearly prescribes that lease would not be available to individuals and that the lease would be given in the following order of preference :-

- (1) *Co-operative Societies of fishermen or of Harijans engaged in fishing;*
- (2) *Panchayat of the locality;*
- (3) *Private individuals as determined by the results of public auction*

34. In case, in a particular village, there are two or more co-operative societies of fishermen or of Harijans engaged in fishing, the said co-operative societies would get the first preference with regard to grant



of lease and in such a case, an tender may be floated between the said co-operative societies by fixing an upset price. However, so long as there is no competition in a particular village and it is only a single co-operative society of fisherman or of Harijans engaged in fishing come forward to take the lease, then necessarily, by following the prescription made under RSO 211 and G.O. Ms. No.332, fixing the rental, the District Collector is bound to grant lease.

38. For the reasons aforesaid, the impugned proceedings of the 3<sup>rd</sup> respondent dated 4.1.2022 is set aside and the writ petitions are allowed with the following observations and directions :-

- i) *The cooperative societies composed of fishermen or of Harijans engaged in fishing should first be given an opportunity of taking the fishery on lease for a reasonable rental fixed by the Collector of the District or the authority concerned.*
- ii) *If the cooperative society is not prepared to take the lease for the amount offered, opportunity should be given to the Panchayat working in the area to take the lease on the same amount. If there are more than one co-operative society in a particular area relatable to fishing, then public auction shall be conducted in the manner indicated in paragraph 2 of RSO 211 by fixing the upset price.*
- iii) *If neither the cooperative society nor the Panchayat is willing to take the lease, the fishery should be disposed of by public auction in the manner indicated in paragraph 2 of RSO 211.*
- 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.*
- vi) *Consequently connected miscellaneous petitions are closed.*



6. In view of the above, since the petitioner is only a resident of the Village and not a Member of the Society, he cannot challenge the lease of fishing rights granted in favour of the 4<sup>th</sup> respondent Society. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs

**18-11-2025**

asi



To

- 1.The Executive Engineer  
Upper Pennaiyar Basin Division,  
Water Resources Department,  
Dharmapuri-636 705.
- 2.The Assistant Engineer  
Water Resources Department,  
KRP Dam Division,  
Krishnagiri-635 101.
- 3.The Assistant Director  
Fisheries And Fishermen Welfare Department,  
Krishnagiri District.
- 4.FMR-2, Krishnagiir Parvatha Rajakula  
Fishermen Co-operative Society, Rep. By Its  
Administrative Officer, Krishnagiri Dam,  
Krishnagiri District.



WEB COPY

WP No. 44148 of 2025



**M. DHANDAPANI, J.**

asi

**WP No. 44148 of 2025**

**18-11-2025**