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WP No. 43656 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 43656 of 2025
& WMP NO. 48760 & 48762 OF 2025**

V.Ganesan
Member, FMR 26,
Gengavalli Inland Fishermen Co Operative Society
No 14/84, Kadmbur Road, Meenavar Street,
Gengavalli, Gengavlli Taluk,
Salem District 636 105.

Petitioner(s)

Vs

1. The Government Of Tamilnadu
Rep. By Its Secretary,
Government Of Tamil Nadu,
Water Resources Department,
Fort St George, Chennai 600 009.
2. The Commissioner of Fisheries,
Nandanam,
Chennai 600 035.
3. The District Collector,
Salem District.
4. The Executive Engineer
Public Works Department (WRD)
Sarabanga Vadinila Kottam, Salem.



5.The Assistant Engineer
Water Development Department
Irrigation Division,
Thammampatti, Salem District

6.The Assistant Director of Fisheries
Mettur Dam, Salme District.

Respondent(s)

PRAYER; This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the production of records of relating to the order dated 04.11.2025 made in Ka. No. Ko 15A / U.Po (tha) / 2025 passed by the 5th respondent herein, quash the same and direct the respondents to grant lease of fishing rights in respect of Valasakkalpatti Lake, to FMR - 26 Gengavalli Inland Fishermen Co. Operative Society, Gengavalli Taluk, Salem, District, for a period of 5 in compliance with the order dated 21.06.2023 made in W.p. No 6819 of 2023 and batch cases, and confirmed in W.A. no 152 of 2024 by order dated 18.01.2024.

For Petitioner(s): Mr.S.Shanmugasundaram
For Respondent: Mrs.S.Anitha, SGP

ORDER

This petition has been filed seeking to quash the order dated 04.11.2025 made in Ka. No. Ko 15A / U.Po (tha) / 2025 passed by the 5th respondent herein and direct the respondents to grant lease of fishing rights in respect of Valasakkalpatti Lake, to FMR - 26 Gengavalli Inland Fishermen Co. Operative Society, Gengavalli Taluk, Salem, District, for a period of 5 in compliance with the order dated 21.06.2023 made in W.p. No 6819 of 2023 and batch cases, and confirmed in W.A. no 152 of 2024 by order dated 18.01.2024.



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2. It is the case of the petitioner that the petitioner society is registered under Tamil Nadu Cooperative Societies Act. The Government of Tamilnadu, Animal Husbandry and Fisheries Department issued a government order in GO.Ms.No.332 dated 17.11.1993 directing the authorities to give first priority in fishing rights to fishermen society and auctioning of fishing rights should be restored to only if no cooperative society of fishermen is not willing to take up the lease. The above GO has been followed till date. This Court dated 21.06.2023 made in WP.No.6819 of 2023 etc., batch cases directed the respondents to give lease of fishing rights to the petitioner society. The same has been confirmed by the Division Bench also. Without considering the same, the 5th respondent passed the impugned notification dated 04.11.2025 bringing public auction of the lease of fishing rights. Challenging the said notification, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that the impugned notification has been published contrary to the order passed by this Court in WP.No.6819/2023 etc., Batch wherein this Court has clearly held that *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*. Contrary to the said order, the 5th respondent has issued notification



for conducting public auction, which is not sustainable. Hence, this Court may quash the said notification and direct the respondents to grant lease of fishing rights in respect of Valasakkalpatti Lake, to FMR - 26 Gengavalli Inland Fishermen Co. Operative Society, Gengavalli Taluk, Salem, District, for a period of 5 years in compliance with the order dated 21.06.2023 made in W.p. No 6819 of 2023 and batch cases, and confirmed in W.A. no 152 of 2024 by order dated 18.01.2024.

4. In response, the learned Special Government Pleader appearing for the respondents fairly submitted that it is only a public auction notification. If the petitioner is willing to participate in the said auction, the respondents will comply the order passed by this Court dated 21.06.2023 made in W.p. No 6819 of 2023 and batch cases.

5. Heard the learned counsel for both side and perused the materials available on record.

6. In view of the fair submission made by the learned Special Government Pleader, Court this court directs the 5th respondent to consider the petitioners application and pass appropriate orders strictly in terms of the order dated 21.06.2023 made in W.P. No 6819 of 2023 and batch cases, which was confirmed the judgment in WA. No.152/2024 dated 18.01.2024 by the Hon'ble Division Bench of this Court.



7. With the above directions, the writ petition is disposed of.

Consequently, connected miscellaneous petitions are closed. No costs.

12-11-2025

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Note: Issue order copy on 13.11.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Secretary, Government Of Tamil
Nadu, Water Resources Department,
Fort St George, Chennai 600 009

2. The Commissioner of Fisheries
Nandanam,
Chennai 600 035

3. The District Collector,
Salem District.

4. The Executive Engineer
Public Works Department (WRD)
Sarabanga Vadinila Kottam, Salem.

5. The Assistant Engineer
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