



W.P.(MD)No.5128 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5128 of 2025

and

WMP (MD) No.3726 of 2025

1. K.Boomi
2. Murugeshwari
3. Ponnuthai
4. Karuthakannan
5. Santhoshkumar
6. Manikandan
7. Chandra
8. Palpandi
9. Mangayarkarasi
10. Kamatchi
11. Muthurasu
12. Ganapathi
13. R.Ayyanar

: Petitioners



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Vs.

1. The Principal Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department,
Secretariate, Chennai.

2. The Deputy Director,
Fisheries and Fishermen Welfare Department,
Petchiyamman Padithurai,
Madurai.

3. The Assistant Director,
Fisheries and Fishermen Welfare Department,
Petchiyamman Padithurai,
Madurai.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent to give priority for taking leasing of Fishery Rights of Viradhanur Kanmai, Madurai District to us pursuant to the G.O.Ms.No. 05, dated 30.01.2025 issued by the 1st Respondent.

For Petitioner : Mr.Mayil Vahana Rajendran. C

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader



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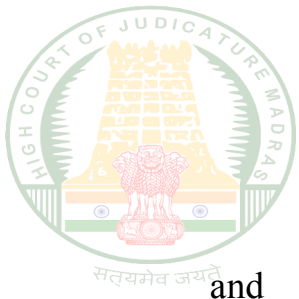
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ORDER

This writ petition has been filed seeking a Writ of Mandamus, directing the second respondent to give priority to the petitioners in the leasing of Fishery Rights for Viradhanur Kanmai, Madurai District, pursuant to G.O.Ms.No. 05, dated 30.01.2025, issued by the first respondent.

2. Heard the learned counsel for the petitioner and Mr.K.S.Selvaganesan, the learned Additional Government Pleader, who accepts notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioners' case is that they belong to the Adi-Dravidar community and are engaged in fishing at the Viradhanur Kanmai, Madurai District, which is their only source of income. Pursuant to the order passed by this Court on 08.07.2024, G.O.Ms.No. 5, dated 30.01.2025, was issued by the first respondent, outlining the guidelines for leasing the fishing rights of water bodies vested with the Fisheries



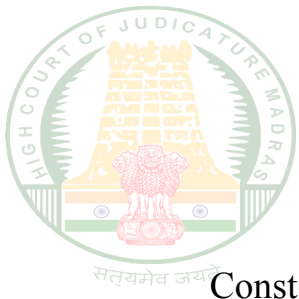
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and Fishermen Welfare and Tamil Nadu Fishery Development Corporation Limited. According to the said Government Order, priority should be given to inland fishermen/inland fisherwomen, co-operative societies, and Adi-Dravidars. In accordance with this, the petitioners submitted a representation on 12.02.2024, requesting priority for leasing the fishing rights. However, as no action has been taken, the petitioners have now filed the present writ petition.

4. The learned Additional Government Pleader, appearing on behalf of the respondents, would submit that the petitioners' representation will be considered by the respondents in accordance with the law, but only at the time of floating the tender.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the



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Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the second respondent, to consider the petitioners' representation dated 12.02.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

26.02.2025

Index : Yes / No

Internet : Yes / No

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To

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VIVEK KUMAR SINGH, J.

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