



W.P.(MD) No.17390 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2025

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THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.17390 of 2025

and

W.M.P.(MD) Nos.13254, 13255 and 13256 of 2025

K.Narayanasamy

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Virudhunagar District,
Virudhunagar Post and District.
- 2.The Superintending Engineer,
Water Resource Organization / Public Works Department,
Vaippar Basin Circle,
Madurai Road,
Virudhunagar Post and District.
- 3.The Executive Engineer,
Water Resource Organization / Public Works Department,
Mel Vaippar Basin Division,
Rajapalayam - 626 117,
Virudhunagar District.
- 4.The Assistant Executive Engineer,
Water Resource Organization / Public Works Department,
Mel Vaippar Basin Sub-Division,
Rajapalayam - 626 117, Virudhunagar District.



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5.The Inspector of Police,
Vigilance and Anti Corruption,
Virudhunagar District,
Virudhunagar.

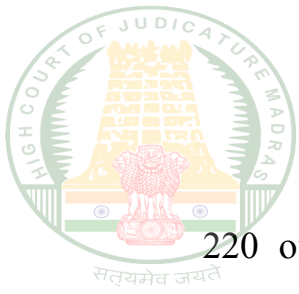
6.The Inspector of Police,
Seithur Police Station,
Seithur Post - 626 121,
Rajapalayam Taluk,
Virudhunagar District.

7.Maheswari M
Executive Engineer,
Water Resource Organization / Public Works Department,
Mel Vaippar Basin Division,
Rajapalayam - 626 117,
Virudhunagar District.

8.Jeyasankar S
Assistant Executive Engineer,
Water Resource Organization / Public Works Department,
Mel Vaippar Basin Sub-Division,
Rajapalayam - 626 117,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the third respondent in Letter No.Tha.1/Ko.181/2025/dated 10.06.2025 and quash the same and consequently direct the respondents to extent the fishery rights lease as per guidelines issued in G.O. Ms. No.201, Animal Husbandry, Dairying and Fisheries Department dated 19.10.2017 and the dictum laid down by this Court in Judgment dated 20.02.2020 made in WA(MD)Nos.219 and



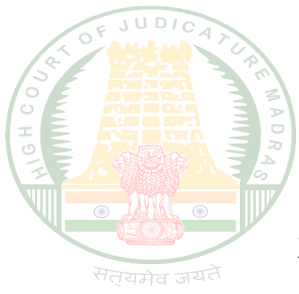
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220 of 2020, in respect of Seithur Pirakudi Tank, Seithur Mettupatti Village, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : Mr.M.Saravanakumar
For R1 to R4 : Mr.K.R.Badurus Zaman
Government Advocate
For R5 & R6 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

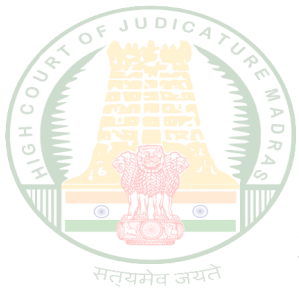
ORDER

This writ petition has been filed challenging the impugned order passed by the third respondent dated 10.06.2025 bearing Letter No.Tha. 1/Ko.181/2025/dated 10.06.2025 and consequently directing the respondents to extent the fishery rights lease as per guidelines issued in G.O. Ms. No.201, Animal Husbandry, Dairying and Fisheries Department dated 19.10.2017 and the dictum laid down by this Court in Judgment dated 20.02.2020 made in WA(MD)Nos.219 and 220 of 2020, in respect of Seithur Pirakudi Tank, Seithur Mettupatti Village, Rajapalayam Taluk, Virudhunagar District.



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2. The petitioner claims to be an ex-service man, who was a successful bidder for fishing rights in Seithur Pirakudi Tank, Seithur Mettupatti Village, Rajapalayam Taluk, Virudhunagar District. The contract was awarded to the petitioner on 12.02.2019. It is the specific case of the petitioner that the drought had already been declared by the Government even prior to the auction notice. Therefore, the petitioner contends that he is entitled to the benefits of G.O.Ms.No.201, Animal Husbandry, Dairying and Fisheries Department dated 19.10.2017. It is further submitted that even during the currency of the lease, once again there was drought in six Districts of Tamil Nadu, whereby, 25 blocks of Pudukottai, Ramanathapuram, Sivagangai, Tenkasi, Thoothukudi and Virudhunagar Districts in the State were declared to be moderately affected by the drought as there was insufficient rainfall in these blocks from 01.10.2022 to 31.12.2022. It is the further case of the petitioner that although he was declared as successful bidder on 12.02.2019 which was during the mid of the first fasli year and thus, the petitioner could enjoy only four months during the period up to 30.06.2019 and thus, the lease was shorted by eight months.



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3. The learned Government Advocate for the respondents 1 to 6

submits that the petitioner has continued to exercise rights over the water body despite the lease period had come to an end on 30.06.2023 and has been constantly litigating, as a result of which the respondents have been unable to auction the fishing rights for the succeeding period after the period came to an end on 30.06.2023. That apart, it is submitted that the petitioner had earlier filed writ petition in W.P.No.1812 of 2025, seeking a direction to the respondents to consider the petitioner's claim under self employment in ex-service man quota and to issue fishery right lease in favour of the petitioner in respect of Seithur Pirakudi Tank, Seithur Mettupatti Village, Rajapalayam Taluk, Virudhunagar District. It is submitted that the said writ petition was dismissed after recording the submission that the proposal to auction the rights for afresh period in terms of G.O.Ms.No.52, Animal Husbandary, Dairying, Fisheries and Fishermen Welfare (FSG) Department, dated 08.07.2024.

4. That apart, it is submitted that the impugned order has recorded that at the time when the auction notice was issued earlier, the petitioner had participated in the auction knowing full that there was no drought in



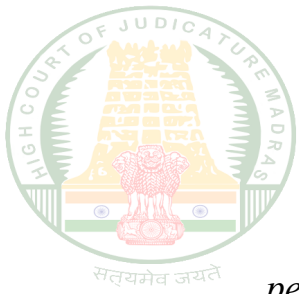
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the area where the aforesaid fishing tank is located. It is submitted that the petitioner is attempting to continue exercising rights over the tank by finding different reasons at different point of time.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 6.

6. This is the third round of litigation before this Court. As mentioned above, the petitioner had earlier filed W.P(MD)No.1812 of 2025 which came to be dismissed on 24.01.2025 with the following observations:

“3. The petitioner is an ex-service man and he is residing at Seithur Mettupatti Village, Rajapalayam Taluk, Virudhunagar District. There is a Tank, namely, Seithur Pirakudi Tank, for which, the fourth respondent conducted fishery right lease as per GO(Ms)No.332, Animal Husbandry and Fisheries (FS-IV) Department, dated 17.11.1993 for a period of five years. Infact, the petitioner was granted fishery right lease for a period of five years and now, as per GO(Ms)No.52, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FSG) Department, dated 08.07.2024, public auction should be conducted for fishery right for any Tank. Therefore, there is no preferential quota for ex-service men to award lease of fishery right.



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4. In view of the above, the representation submitted by the petitioner cannot be considered. This writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.”

7. The petitioner had also filed another writ petition in W.P(MD)No.14690 of 2022, wherein, the interim order was granted by this Court on 08.07.2022 and thereafter, the petitioner had filed another writ petition in W.P(MD)No.9837 of 2025 for Mandamus to direct the respondents to extend the fishery rights lease as per guidelines issued in G.O.Ms No.201, Animal Husbandry, Dairying and Fisheries Department, dated 19.10.2017 and the dictum laid down by this Honble Court in Judgement dated 20.02.2020 made in WA (MD) No.219 and 220/2020 in respect of Seithur Pirakudi Tank, Seithur Mettupatti Village, Rajapalayam Taluk, Virudhunagar District. The said writ petition was disposed of on 08.04.2025 pursuant to which the impugned order has been passed on 10.06.2025 by the first respondent.

8. The petitioner is partly claiming the benefit of the decision of the Division Bench of this Court in W.A(MD)Nos.219 and 220 of 2020 which



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came to be dismissed on 20.02.2020, wherein the Division Bench of this

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“13. As above pointed out, when during the lease period, the subject Kanmois situated in Madurai District had been declared as drought affected and further as the respondents had remitted the lease amount, though not in time, however, within the time extended by the Court, in such view of the matter, in all fairness and equity, we are of the considered opinion that the respondents should be extended the benefit of G.O.Ms.No.201, dated 19.10.2017 and provided the lease extension for one year i.e. 2019-2020 as determined by the learned Single Judge by increasing the amount of lease by 10% on the upset price as per G.O.Ms.No.332, dated 17.11.1993 and in the light of the abovesaid determination, we do not find any reason to disturb the impugned order passed by the learned Single Judge.”

9. It is noticed that the petitioner has already over stayed in the tank and has exploited the fishing rights to the detriment of the common public and the respondents. However, it is also noticed that the respondents have not acted in furtherance of GO(Ms)No.52, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FSG) Department, dated 08.07.2024 wherein, it was stated that a public auction would be conducted to grant fishing rights in the aforesaid tank. However till date no auction has been conducted. It is informed that the said G.O has also been withdrawn.



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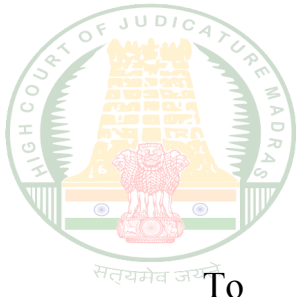
10. Considering the fact that the petitioner has been in exercising rights beyond 30.06.2023 and he may have invested during the period, the petitioner is directed to hand over the possession of the fishing tank to the respondents within a period of 45 days from the date of receipt of a copy of this order. Thereafter, the respondents shall proceed to conduct a public auction for granting fishing rights in respect of the aforesaid tank. During the interregnum, suitable government notification shall be issued similar to G.O.Ms.No.52 for auctioning the fishing rights for the next lease period of 5 years. It is made clear that the petitioner shall not have any access to the water body after the period stipulated herein above. It is for the respondents to ensure that the fishing rights are auctioned before the aforesaid time.

11. The writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

27.06.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes/No
Speaking Order / Non-Speaking Order

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C.SARAVANAN, J.

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