



W.P.(MD).No.18194 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD).No.18194 of 2025

S.Balamurugan

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by Secretary to Government,
Animal Husbandry, Dairying,
Fisheries and Fisherman Welfare (FS6) Department,
Chennai.

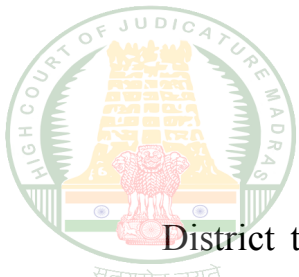
2.The Commissioner of Fisheries,
Nandhanam,
Chennai.

3.The Assistant Director,
Fisheries Department,
Dindigul.

4.The Special Officer-Cum-Inspector of Fisheries,
A.1977 Palani Taluk Fisher Co-operative Society,
Palani Taluk,
Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the fourth respondent to accept the proportionate contribution amount paid by the petitioner/members of “A.1977 Palani Taluk Fisher Co-operative Society” situated at Palani Taluk, Dindigul



W.P.(MD).No.18194 of 2025

District to the fishing and farming of Vaiyapuri Kulam, Palani, Pudhukulam, Palani, Kalikkanayakkanpatti Kulam, Palani Taluk.

WEB COPY

For Petitioner : Mr.A.Arun Ramnath

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

This Writ Petition is filed for Mandamus to direct the fourth respondent to accept the proportionate contribution amount paid by the petitioner/members of “A.1977 Palani Taluk Fisher Co-operative Society” situated at Palani Taluk, Dindigul District to the fishing and farming of Vaiyapuri Kulam, Palani, Pudhukulam, Palani, Kalikkanayakkanpatti Kulam, Palani Taluk.

2. The petitioner claims to be an inland fisherman/member of A.1977 Palani Taluk Fisher Co-operative Society. It is informed by the learned counsel for the petitioner that the election to the office bearers of Palani Taluk Fisher Co-operative Society has not been held and therefore, the fourth respondent/Inspector of Fisheries has been deputed as a Special Officer. It is submitted that there are more than 2700 members in the aforesaid Society. It is submitted that despite the request of the petitioner with the fourth respondent as also the other respondents to comply with the requirements of G.O.(Ms)No.05,



W.P.(MD).No.18194 of 2025

Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FS.6-1)

WEB COPY

Department dated 30.01.2025, no steps have been taken so far.

3. The learned Government Advocate appearing for the respondents would submit that there are more than three groups within the said Society and each group is claiming rights over the other.

4. It is noticed that the aforesaid Government Order has been issued pursuant to the directions of the Division Bench of this Court dated 03.02.2021 in W.A.(MD).No.1251 of 2020 against an order passed by the Writ Court in W.P.(MD).No.5485 of 2020, wherein, the Court had held as follows:

“to adopt a different methodology as suggested by the learned Single Judge, by fixing the upset price and thereafter, call for tender and further instruction to follow this methodology in future in all cases, as the Government would not lose the revenue and in any case, fixation of the upset price is a starting point and the same will not be the actual price that will fetch in an auction.”

5. Thereafter, a Circular came to be issued on 04.01.2022 by the Assistant Director of Fisheries, Erode bearing reference in Na.Ka.No.2702/E/2021. However, the above Circular was set aside in a batch of Writ Petitions filed



W.P.(MD).No.18194 of 2025

before this Court in W.P.Nos.6819 of 2023 etc., dated 21.06.2023. In the light of

the order passed by this Court on 21.06.2023, the Government appears to have issued yet another guidelines in G.O.(Ms)No.52, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FS.VI) Department, dated 08.07.2024, the content of which has been summarized in G.O.(Ms)No.05, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FS.6-1) Department, dated 30.01.2025, as follows:

“A. Combined Guidelines/Procedures for leasing of fishery rights of water bodies vested with Department of Fisheries and Fishermen Welfare. (priority to Inland Fishermen / Fisherwomen Cooperative Societies / Adi-Dravidars engaged in fishing activities)

B. Combined Guidelines/Procedures for leasing of fishery rights of water bodies vested with Water Resources Department. (Open tender cum action)

C. Combined Guidelines/Procedures for leasing of fishery rights of water bodies vested with Rural Development and Panchayat Raj Department. (priority to Inland Fishermen / Fisherwomen Cooperative Societies / Adi-Dravidar engaged in fishing activities)”

6. A further challenge to G.O.(Ms)No.52, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FS.VI) Department, dated



W.P.(MD).No.18194 of 2025

08.07.2024 in various Writ Petitions was made, pursuant to which, the Government was directed to withdraw G.O.(Ms)No.52 dated 08.07.2024 and hence, G.O.(Ms)No.05, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FS.6-1) Department, dated 30.01.2025 has been issued. There are no reported case of any challenge to G.O.(Ms)No.05 dated 30.01.2025.

7. The case of the petitioner appears to be that the petitioner representing a fraction within the Palani Taluk Fisher Co-operative Society is entitled to priority in fishing rights and therefore, the respondents should follow the procedure prescribed in paragraph IV to annexure to G.O.(Ms)No.05, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FS.6-1) Department, dated 30.01.2025. The case of the petitioner is covered by paragraph IV, which reads as follows:

“IV. Leasing of fishery rights of Reservoirs and Irrigation tanks whose fishery rights are vested with Department of Fisheries and Fishermen Welfare.

1. Priority to Inland Fishermen/ Inland Fisherwomen Co-operative Societies/ Adi Dravidars engaged in fishing activities.

(a) To protect the livelihood of Inland co-operative societies comprised of Fishermen/Fisherwomen engaged in fishing.



including Adi Dravidars engaged in fishing should be given priority for taking leasing of fishery rights of water body at the upset price level.

(b) The interested Inland Fishermen / Fisherwomen cooperative society / Adi Dravidars engaged in fishing should make an application for taking the lease on priority.

(c) If there are more than one Inland Fishermen / Fisherwomen Co-operative society engaged in fishing in a particular area and willing to avail the priority on lease, then 'Open Tender cum Auction' shall be conducted among the Co-operative societies.

(d) If the water body does not fall in area of operation of any Inland Fisheries Co-operative society/ Adi Dravidars engaged in fishing, fishery rights of such water body will be done through open tender cum auction method.

(e) The Open Tender cum Auction will be done as per the Tamil Nadu Transparency in Tenders Act 1998 & Tamil Nadu Transparency in Tenders Rules 2000."

8. It is submitted that the fourth respondent is not acting on the representation of the petitioner. It is submitted that open tender cum auction can be conducted only if there are more than one inland fishermen/fisherwomen Co-operative Society in a particular area and since there is only one Society, namely, Palani Taluk Fisher Co-operative Society, open tender cum auction is



W.P.(MD).No.18194 of 2025

not permissible. The petitioner further submits that there are more than 39 ponds in Palani Taluk and since the Government Order does not provide for any solution under a situation, pro rata right should be given to all the fishermen in the locality so that there is an equitable distribution of opportunity among the residents near the pond.

9. Having considered the submissions made by the learned counsel for the petitioner and the respondents and perusing the content of G.O.(Ms)No.05, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FS.6-1) Department, dated 30.01.2025, which has been extracted above, I am of the view that the Government Order does not address to the situation where there are different groups within the Society. A situation has arisen because the Society does not have an elected body to administer the rights of its members, as a result of which, the fishing rights have not been conferred on anybody.

10. Considering the same, there shall be a direction to the fourth respondent to take steps to have the election to the Palani Taluk Fisher Co-operative Society, who shall administer the affairs of the Society as per the bylaws of the Society. The said exercise shall be completed by the fourth respondent within a period of six (6) months from the date of receipt of a copy



W.P.(MD).No.18194 of 2025

of this order. Pending such exercise, the fourth respondent is directed to devise a Scheme, whereby, the fishing rights are made available equitably among the residents around 39 ponds. This exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order.

11. With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs.

04.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The Secretary to Government,
The Government of Tamil Nadu,
Animal Husbandry, Dairying,
Fisheries and Fisherman Welfare (FS6) Department,
Chennai.
- 2.The Commissioner of Fisheries,
Nandhanam, Chennai.
- 3.The Assistant Director,
Fisheries Department,
Dindigul.
- 4.The Special Officer-Cum-Inspector of Fisheries,
A.1977 Palani Taluk Fisher Co-operative Society,
Palani Taluk,
Dindigul District.



WEB COPY



W.P.(MD).No.18194 of 2025

C.SARAVANAN,J.

Lm

W.P.(MD).No.18194 of 2025

04.07.2025