



W.P.(MD)No.20913 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.20913 of 2022

and

W.M.P.(MD)No.15160 & 15164 of 2022

A.Rajkumar

... Petitioner

/Vs./

1. The Tahsildar,
Sivagiri Taluk,
Sivagiri - 627 757.

2. The Assistant Executive Engineer,
Irrigation Division,
Public Works Department,
Sankarankoil -627 756,
Thirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in letter no.Ko.30/2022/Vu.(Va.Ka)/ dated 21.03.2022, on the file of the second respondent, and consequential order in Na.Ka.No.A1/1982/2022, dated 29.03.2022 passed by the first respondent herein and to quash the same and directing the ifrst respondent to receive the pasivari under the permanent grant in respect to



W.P.(MD)No.20913 of 2022

Kulasegaraperi Tank, in Tirumalapuram Village, Sivagiri Taluk and Tirunelveli District.

For Petitioner : Mr.M.R.Murugesan

For Respondents : Mr.D.Gandhiraj

Special Government Pleader

ORDER

This writ petition has been filed challenging the proceedings dated 21.03.2022 on the file of the second respondent and the consequential order dated 27.03.2022 passed by the first respondent.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner is residing in Vasudevanallur Village at Tenkasi District. In his village, there is a tank namely, Kulasegaraperi. It has been recognised for grant of fishery right namely “Saswatha Meen Paasi Vari” as per the revenue records. The petitioner and his neighbours are in



W.P.(MD)No.20913 of 2022

possession and enjoyment of the said tank with fishery right. While being so, the petitioner was denied his fishery right by the orders impugned in this writ petition.

4. A perusal of the counter filed by the second respondent reveals that as per GO.Ms.No.16, dated 14.01.2011 issued by the Public Works Department, fishery rights are vested only with the Public Works Department and no private parties can have fishery rights in the tank owned by the Public Works Department. The said GO has been passed, after considering the plight of the Water Resources Association ,for fishery rights as per Tamil Nadu Farmers Management of Irrigation Systems Act, 2000. Therefore, an order has been passed not to grant any fishery right without paying auction receipt (ஏல ரசீது).

5. Further, in Clause (iv) of the said GO, it is seen that the Government has imposed a ban upon association and individuals, who are conducting public auction of fishery right in water resources of PWD, without, obtaining any permission from the Government. Therefore, it is clear that Kulasegaraperi tank belongs to the Government and water is



W.P.(MD)No.20913 of 2022

WEB.COM

regulated and managed by the statutory bodies created under the Tamil Nadu Formers Management of Irrigation Systems Act, 2000

6. In view of the above, this Court finds no infirmity or illegality in the orders passed by respondents and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.01.2025

Index : Yes / No
NCC : Yes / No
Sm



W.P.(MD)No.20913 of 2022

WEB COPY

TO:-

1. The Principal Secretary to Government,
Home (Police XIX) Department,
Government of Tamilnadu, Secretariat, Chennai.
2. The Additional Director General of Police,
Economic Offences Wing, Chennai.
3. The Competent Authority,
District Revenue Officer,
Collectorate Campus, Nagercoil, Kanyakumari District.
4. The Inspector of Police,
Economic Offences Wing,
Crime Branch II,
Nagercoil, Kanyakumari District.



WEB COPY



W.P.(MD)No.20913 of 2022

G.K.ILANTHIRAIYAN, J.

Sm

Order made in
W.P.(MD)No.20913 of 2022

Dated:
29.01.2025