



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 8781 of 2026

and

WMP.Nos.9449 & 9450 of 2026

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Mangalakshmi
W/o Vadivel,
President, Water Users Association,
Thenkeeranur Village,
Kallakurichi District.

..Petitioner(s)

Vs

1. The District Collector
Kallakurichi District.
2. The Assistant Engineer
Water Resource Department,
O/o Public Works Department,
Kallakurichi District.
3. The Assistant Director Of Fisheries
Department of Fisheries and Fishermen
Welfare,
Villupuram District.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Notification/E-Auction Notice dated 12.01.2025 made in Na.Ka.No.1905/AA/2024 issued by the 3rd respondent and quash the same and



consequently direct the respondents herein not to release tenders for Fishing without considering ground realities and Circumstances therein.

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For Petitioner(s): Mr.R.Raj Prasanna

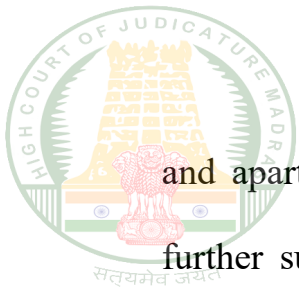
For Respondent(s): Mr.S.Rajesh, GA

ORDER

The Notification/E-Auction Notice dated 12.01.2025 made in Na.Ka.No.1905/AA/2024 issued by the third respondent, is put under challenge in the present Writ Petition. Consequently, the petitioner has sought for a direction to the respondents herein not to release tenders for Fishing without considering the ground realities and circumstances therein.

2. Heard the learned counsels appearing on either side.

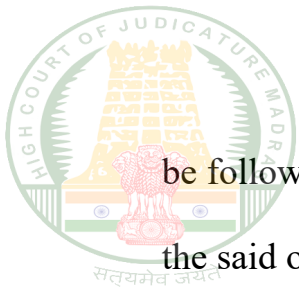
3. The learned counsel for the petitioner submitted that the petitioner is the President of the Water Users Association, Thenkeeranur Village, Kallakurichi District and the surplus water from the Thenkeeranur Anicut is diverted to the agricultural lands from the Gomukhi Dam which overflows during the monsoon season through which irrigation was carried out in the small villages like Malaikottalam, Vilambavoor, Kattananthal, Latchiyam and Thatchur and the agriculturists used to cultivate rice, sugarcane and other crops



and apart from this, the said dam water was used for fishing activities. He further submitted that the third respondent without considering the aforesaid aspects and the objections raised by the ayacutdars issued tender notification dated 12.01.2025 for fishing activities in the water tank, for which the Ayacutdar has made a detailed representation to the respondent on 23.01.2026 to cancel the said notification dated 12.01.2025 and to grant the fishing rights in favour of the petitioner, however there was no response and hence, the present Writ Petition.

4. Per contra, the learned Government Advocate appearing on behalf of the respondents submitted that fishing rights will be granted strictly adhering to the decision of this Court passed in ***W.P.No.6819 of 2023 and batch etc., dated 21.06.2023 [K-1546 Mettupalayam Meenavar Co-operative Society Ltd., rep By its Director, A.Nataraj 1/3, VOC Street, Mettupalayam Coimbatore District 641 301 Vs.The Government of Tamil Nadu Rep. by Secretary to Government Animal Husbandry & Fisheries Dept. Fort St. George, Chennai 600 009 & 3 Others]*** and in terms of the Revenue Standing Order 211 and G.O. Ms. No.332 dated 17.11.1993.

5. As rightly contended by the learned Government Advocate, this Court in an identical issue in the Writ Petitions namely, W.P.No.6819 of 2023 and batch etc., dated 21.06.2023 had elaborately discussed about the procedures to



be followed for grant of lease for fishing activities and the relevant paragraph of the said order reads as under:

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“38. For the reasons aforesaid, the impugned proceedings of the 3rd respondent dated 4.1.2022 is set aside and the writ petitions are allowed with the following observations and directions :-

i) 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.

ii) If the cooperative society is not prepared to take the lease for the amount offered, opportunity should be given to the Panchayat working in the area to take the lease on the same amount. If there are more than one co-operative society in a particular area relatable to fishing, then public auction shall be conducted in the manner indicated in paragraph 2 of RSO 211 by fixing the upset price.

iii) If neither the cooperative society nor the Panchayat is willing to take the lease, the fishery should be disposed of by public auction in the manner indicated in paragraph 2 of RSO 211.

iv) The preference, as provided in RSO 211, which has been followed in G.O. Ms. No.332 dated 17.11.1993 shall be scrupulously adhered to.



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v) The respondents are directed to ensure that contamination of water by polluting it for facilitating larger capture of fish and letting the polluted water to the farmer, thereby causing detriment to agriculture, is not resorted to by the leaseholder and if any such infraction is noticed, steps shall be taken by the respondents for cancelling such of the leases granted to such of the lessee.

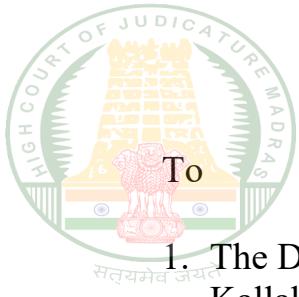
vi) Consequently connected miscellaneous petitions are closed.”

6. Since the issue involved herein is for grant of lease for fishing, it is no longer *res judicata*, as the same is considered by this Court already as stated supra which dictum has to be followed for grant of lease for fishing activities. Hence, in the light of the order of this Court as stated supra, the respondents are directed to follow the procedure while granting the fishing rights to the parties.

7. The Writ Petition is disposed of in the above terms. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

10-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
DP



To

1. The District Collector
Kallakurichi District.
2. The Assistant Engineer
Water Resource Department,
O/o Public Works Department,
Kallakurichi District.
3. The Assistant Director Of Fisheries
Department of Fisheries and Fishermen
Welfare,
Villupuram District.

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M.DHANDAPANI, J.

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