

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN BENCH, CHENNAI**

**O.A.No. 129 /2020**

K.Sambath ..... Applicant

-Vs-

1. The Member Secretary,  
Puducherry Pollution Control Committee,  
Puducherry.

2. The Secretary,  
Local Administration Department,  
Govt. of Puducherry,  
Puducherry.

3. The Commissioner,  
Puducherry Municipality,  
Puducherry.

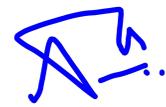
4. Kandhan ..... Respondents

**INDEX OF DOCUMENTS FILED BY THE 4<sup>TH</sup> RESPONDENT**

<b>S.No.</b>	<b>Date</b>	<b>Particulars</b>	<b>Page</b>
1	08.05.2020	No Objection issued by the Public Works Department, Irrigation Division, Puducherry for renewing the Fishing Licence of the 4 <sup>th</sup> Respondent	1
2	22.05.2020	Note File in I.D.No.PM/Com/355, obtaining relaxation for renewing the Fishing Licence of the 4 <sup>th</sup> Respondent	2
3	24.12.2020	Order issued by the 2 <sup>nd</sup> Respondent, withdrawing the prohibition imposed in Order dt.29.01.2016	5

All the documents included in this Typed Set are certified to be true copies.

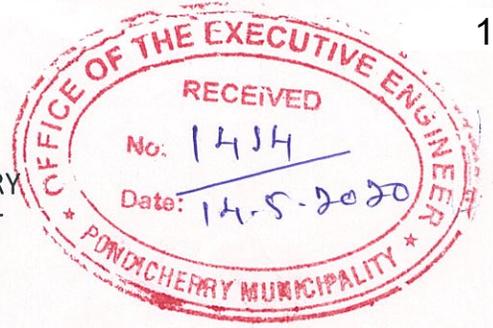
Dated at Chennai on this the 14<sup>th</sup> day of September, 2021



Counsel for 4<sup>th</sup> Respondent

GOVERNMENT OF PUDUCHERRY  
PUBLIC WORKS DEPARTMENT  
IRRIGATION DIVISION

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No. 37 /PW/EEI/JE(P)-20/20-21

dt. 8-5-2020

To  
The Commissioner,  
Puducherry Municipality,  
Puducherry.



Sir,

Sub : PW – ID – Leasing out of fishing rights in Murungapakkam  
and Olandai Lakes – Issue of NOC – Reg.

Ref : No.1015/PM/RO-II/A2/2020, dt.30.04.202.

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Reference is invited to the letter cited above, wherein it has been requested to issue NOC for leasing out of Fishing Rights in Murungapakkam and Olandai lakes.

In this regard, it is to be stated that this Division has No Objection for leasing out for fishing rights in Murungapakkam and Olandai lakes subject to the following conditions:

1. The tank bunds and appurtances should not be damaged, if damaged it should be restored immediately.
2. Water should not be let out for the purpose of fishing, when there is storage in the tank.
3. Outside fencing the pipelines, sluices, channels of the tank should not be damaged while fishing.
4. There should not be any hindrance for the works to be carried out by the department.
5. The shutters should not be closed and opened.
6. Equipments such as Oil Engine / Diesel Engine / Electric Motor should not be engaged inside of lake for pumping of water.
7. Internal bunds should not be formed inside of the lake.
8. Night time fish harvesting should not be entertained.
9. Fish harvesting should be carried out in the presence of the Municipal staff.

Yours faithfully,

K. J. Sub 8/5/2020  
EXECUTIVE ENGINEER

Copy Submitted to:

1. The Chief Engineer, PWD, Puducherry.
2. The Superintending Engineer, Circle-II, PWD, Puducherry.

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161 (130). This file relates to extend the period of licensing out of fishing rights in Murungapakkam and Olandai Lakes for further period of five years from 01.07.2020 to 30.06.2025.

162 (131). The representation dated 13.03.2020 addressed to Commissioner, Puducherry Municipality made by Thiru. S. Kandan of Ariankuppam the present licensee of Fishing Rights for Murungapakkam and Olandai lakes. The above representation was endorsed by Hon'ble Minister for (LA).

163 (132). Therein, he has stated that in last year 2019 the tank water gets got infiltrated with sullage and got dirty due to the intrusion of drainage water into the lakes and later it was arrested by the Irrigation Division, PWD based on the complaint given by him. Further he added in the representation that eventhough the drainage water was stopped, the water in the lakes remained dirty due to the drainage water already filled up in the lakes. In this incident many living fishes were dead and fish breeding got affected in the lakes. This lead to heavy loss to him. Therefore, he has requested that the licence period that will expire in the month of June 2020 may be extended for the fishing rights in Murungapakkam and Olandai lakes for further period of five years by this Municipality.

164 (133). In this regard, this Municipality has sent letter dated 30.04.2020 to the Executive Engineer, Irrigation Division, PWD to accord necessary clearance for leasing out the for fishing rights of the above two tanks for further period of 5 years from 01.07.2020 to 30.06.2025. In reply vide their letter dated 06.05.2020, the Executive Engineer(Irrigation Division), PWD has not consented to lease out the fishing rights of the above lakes. However, vide their letter dated 08.05.2020 received from Executive Engineer, Irrigation Division, PWD, Puducherry addressed to the Commissioner, Pondicherry Municipality NOC was granted by PWD subject to the following conditions:-

1. The tank bunds and appurtances should not be damaged, if damaged it should be restored immediately.
2. Water should not be let out for the purpose of fishing, when there is storage in the tank.
3. Outside fencing the pipelines, sluices, channels of the tank should not be damaged while fishing.
4. There should not be any hindrance for the works to be carried out by the department.

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5. The shutters should not be closed and opened.
6. Equipments such as Oil Engine / Diesel Engine / Electric Motor should not be engaged inside of lake for pumping of water.
7. Internal bunds should not be formed inside of the lake.
8. Night time fish harvesting should not be entertained.
9. Fish harvesting should be carried out in the presence of the Municipal Staff.

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134. Further, in this connection it is stated that, in so far as the Pondicherry Municipality is concerned, the leasing out / auctioning of Irrigation Tanks / Ponds for the purpose of fishing also serves the following constructive / useful purposes:-

1. The surface of the water body is maintained by lessees without any massive encroachments of water plants such as Hyacinth and the encroachments by the antisocial elements is also prevented by them (lessee).
2. The lessees have to maintain the water bodies clean and conserve the water far getting a good harvest of fishes.
3. For the growth of fish, water is very much essential. Therefore the lessee will keep the water level of the lake intact, so that the water level of the surrounding area will also be benefitted.
4. It is highly beneficial to the local body in this critical situation i.e the local bodies are suffering from short of funds even to pay salary and pension.
5. In the last five years (i.e) from 2015-2020, an amount of Rs.18,04,481/- was paid by the lessee to this Municipality apart from GST. The expected amount with 10% hike from the proposed years of 2020-2025 is expected to be Rs.29,06,719/-excluding GST.
6. It is also benefiting to general public being the consumers of the fish.

Hence it may be considered necessary to lease out / auction the water body for fishing rights.

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135. However, it is submitted to state that, there is an Order vide G.O.No.7945/LAS/A3/2015-16, dt.29.01.16 issued by the Local Administration Department (Secretariat Wing), prohibiting the local bodies from auctioning of fishing rights in the water bodies. However, taking into account of the above mentioned constructive grounds and the financial position of Municipality, relaxation may be considered. Further, the PWD, Irrigation Division, Puducherry have also issued their NOC with certain terms and conditions. In view of the above, it is submitted to state that, the existing licensee Thiru. S. Kandan, Ariankuppam may be extended necessary permission by nomination by entrusting the fishing rights in Olandai Lake and Murungapakkam Lake for the further period from 01.07.2020 to 30.06.2025 since the existing period will be ending on 30.06.2020.

GOVT. OF PUDUCHERRY  
Local Administration Dept., Puducherry.

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136. With the above, the file may be submitted to the Commissioner, Pondicherry municipality for obtaining the approval of the Special Officer, Pondicherry Municipality, Puducherry.

168.

137. Submitted Please.

No. PM/AO.II/569/AS/2003  
dt: 22.05.2020

22/05/2020

OFFICE OF THE COMMISSIONER  
Pondicherry Municipality  
Number 355  
Received on 22/5/20  
Dispatched on 22/5/20

REVENUE OFFICER *[Signature]*

COMMISSIONER *[Signature]*  
22/5/2020

Special officer. 169. 138. Appd was the condition yet the permission shall be withdrawn for any violation of the terms and conditions.

*[Signature]*  
2/6/2020

R.O. *[Signature]*  
2/6/2020

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**No.7945/LAS/A3/2020**  
**GOVERNMENT OF PUDUCHERRY**  
**LOCAL ADMINISTRATION SECRETARIAT**

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Puducherry, dt. 24.12.2020

**ORDER**

**Sub:** LAS – Lifting of ban on auctioning the Fishing rights in lakes, ponds and other water bodies in the jurisdiction of Local Bodies –Order-Issued.

**Ref:** Order No.7945/LAS/A3/2015-16 dt.29.01.2016 of the Local Administration Secretariat,Puducherry.

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To promote the water conservation in lakes,ponds and water bodies, the Local Bodies were directed to prohibit the auctioning of fishing rights vide Order No. 7945/LAS/A3/2015-16 dt 29.01.2016 of the Local Administration Secretariat,Puducherry and hence the water bodies are used for storage of rain water/canal water alone.

2. Further, Commissioners have received various representations from the local public for allowing the fishing activities in the water bodies. The fishermen community also requested for fishing activities, for their livelihood.

3. The conservation of water bodies is one of the major components of Jal Jeevan Mission. With a view to encourage the fishing activity and to provide livelihood to the rural poor and the promotion of fishing culture, it is proposed to lift the ban on auctioning the fishing rights by the Local Bodies.

4. However, auctioning of fishing rights should not lead to over exploitation and the rights of the common man to use the water body should also be ensured. Hence in order to formulate proper instructions to avoid draining of water from the water bodies to catch fishes, the prohibition of auctioning of fishing rights by the Local Bodies is withdrawn with the following instruction / guidelines for Auctioning of Lakes,Ponds and water bodies for fishing rights:-

- a) The tank bunds and appurtances should not be damaged, if damaged it should restored immediately.
- b) Water should not be let out for the purpose of fishing when there is storage in the tank.
- c) Outside fencing the pipelines,sluices,channels of the tank should not be damaged while fishing. .
- d) There should not be any hindrance for the works to be carried out by the department.
- e) The shutters should not be closed and opened unless specified by the Department / Local Bodies
- f) Equipments such as Oil Engine/Diesel Engine/Electric Motor should not be engaged inside of lake for pumping of water.

-:2:-

(Continuation of Order No.7945/LAS/A3/2020 dated 24.12.2020)

- g) Internal buds should not be formed inside of the lake.
- h) Night time fish harvesting should not be entertained.
- i) Fish harvesting should be carried out in the presence of the Municipal and Commune Panchayat staff.
- j) Permission shall be withdrawn for any violation of the terms and conditions.

**//BY ORDER//**

  
**DEPUTY DIRECTOR (MA)**  
**For U S TO GOVT (LA)**

To  
The Director,  
Local Administration Department,  
Puducherry,

**Copy to:-**

1. PS to Secretary (LA), Puducherry.
2. Dy. Director (RD)/(MA), LAD, Puducherry.
3. All Commissioners of Municipalities/Commune Panchayats.
4. Order file/Spare.

**BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL (SZ), CHENNAI**

**O.A.No. 129 /2020**

**DOCUMENT SET  
FILED BY THE 4<sup>TH</sup> RESPONDENT**

**M/s. T.M.NAVEEN,  
G.SHABNAM  
&  
M.GOPI**

**Counsel for 4<sup>th</sup> Respondent**  
Ph: 9884422653