



W.P(MD)No.15419 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.15419 of 2023

and

W.M.P.(MD)No.13018 of 2023

M.Subramanian

... Petitioner

Vs.

1.The District Collector,
Tirunelveli,
Tirunelveli.

2.The Assistant Engineer,
Public Works Department /
Water Resources Organization,
Tirunelveli Basin Division,
Palayamkottai, Tirunelveli.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd Respondent to extend the period of fishing rights for 3 months by considering the petitioners representation dated 31.06.2023 with respect to Nainarkulam Tank, Tirunelveli Taluk and district.



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For Petitioners : Mr.H.Arumugam
Advocate.

For R1 and R2 : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The writ petition has been filed in the nature of a mandamus seeking a direction to the second respondent to extend the period of fishing rights for three months. The petitioner had given a representation in this regard on 19.06.2023.

2. The petitioner has the benefit of being granted the right to fish in Nainarkulam Tank at Tirunelveli. He had been granted licence for a period from 31.01.2023 till 30.06.2023. He had paid the entire amount of Rs.1,35,579/-. It is claimed that he had dropped fishlings and the same are ripe for harvest. Owing to various conditions, it had been stated that the petitioner is only now cleaning the aquatic plants which had grown in the tank.

3. The petitioner has come to Court a day before the expiry of the lease period. As a prudent businessman, he should have known that this would be the situation even earlier, and should have approached the Court seeking directions,



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then sufficient assistance could be given to the petitioner to clean the tanks. But unfortunately at this last stage, while tomorrow(29.06.2023) is a national holiday and on 30.06.2023, the lease period expires, the petitioner's request for extension of lease cannot be considered by this Court.

4. Learned counsel stated that the second respondent may be directed to examine the representation. The second respondent is duty bound to discharge his official work and the Court need not issue a mandamus in this regard particularly because learned Special Government Pleader had pointed out the following clause in the grant of licence to the petitioner herein:

" 8.குளங்கள் மழையின்றி வற்றிவிட்டாலோ அல்லது அதிக மழை காரணமாக நீர் நிரம்பி சேதம் ஏற்பட்டாலோ அல்லது வேறு காரணங்களினாலோ ஏற்படும் இழப்பீட்டிற்கு நீர்வள ஆதாரத்துறை எந்தவிதத்திலும் பொறுப்பாகாது. எக்காரணத்தைக் கொண்டும் மீன்பாசி ஏலகால நீட்டிப்பு மாண்புமிகு சென்னை உயர்நீதிமன்ற மதுரை கிளை வழக்கு எண்.W.A(MD)No.1116 of 2019 உத்தரவுப்படி வழங்கப்படமாட்டாது. ஏலத்தொகை திரும்ப வழங்கவோ அல்லது தள்ளுபடி செய்யப்படவோ மாட்டாது."

5. It is very clear that for any reason whatsoever, the time cannot be extended and there is a reference also to the judgement of a Division Bench in W.A.(MD)No.1116 of 2019. A copy of the said order is not enclosed and



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therefore this Court is not aware of the directions of the Writ Appellate Court and certainly as a Single Judge, this Court cannot go around that particular clause and grand extension overlooking any direction of the Division Bench.

6. In view of these reasons, Writ Petition stands dismissed. However, the obligation of the second respondent to pass orders or to take into account the representation of the petitioner is always there and it is for the second respondent to take a decision. But this Court cannot issue any mandamus. No costs. Consequently, connected miscellaneous petition stands closed.

28.06.2023

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

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To

- 1.The District Collector, Tirunelveli, Tirunelveli.
- 2.The Assistant Engineer,
Public Works Department / Water Resources Organization,
Tirunelveli Basin Division, Palayamkottai, Tirunelveli.



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C.V.KARTHIKEYAN, J.

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ORDER
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