



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2015

C O R A M

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

Writ Petition (MD) No.11724 of 2015
and
M.P.(MD)No.1 of 2015

P.GANESAN

.. Petitioner

Vs.

1. DIRECTOR OF FISHERIES,
DEPARTMENT OF FISHERIES, DMS COMPLEX,
TEYNAMPET, CHENNAI 600 006.

2. THE DISTRICT COLLECTOR, MADURAI.

3. THE ASSISTANT DIRECTOR OF FISHERIES,
PECHIAMMAN PADITHURAI,
MADURAI.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari calling for the records relating to the proceedings of the 3rd respondent made in Na.Ka.No.1186/E/12, dated 2.7.2015 and quash the same.

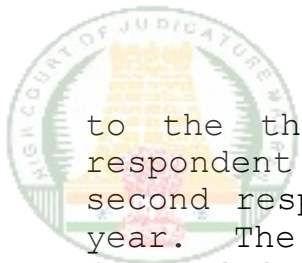
For petitioner ...Mr.R.Murali

For Respondents ...Mr.M.Murugan
Government Advocate

O R D E R

The writ petition has been filed praying this Court for issuance of a writ of Certiorari calling for the records relating to the proceedings of the 3rd respondent made in Na.Ka.No.1186/E/12, dated 2.7.2015 and quash the same.

2.The petitioner is a lessee and holding the right for fishing in the Vilacheri lake for the year 2012-13; 2013-14 and 2014-15. He had obtained the said lease by proper public auction and by abiding diligently to all the rules and regulation set therein. The petitioner had also paid the first year lease amount at the starting of the Fasli year I.e. Immediately after the auction and also for the subsequent years. The petitioner had invested money by borrowing from third parties. But due to monsoon failure continuously for two years I.e. 2012-2014, the lake for which auction was conducted dried up. Hence, the petitioner along with other lease holders in respect of other lake, made a representation



to the third respondent to extend the lease period. The third respondent after verifying the factual aspects recommended the second respondent to extend the lease period for an additional one year. The second respondent also after verifying the issue, forwarded the recommendation to the first respondent for appropriate action. However, the first respondent has not taken any action on the recommendations of the second and third respondents. Now, the petitioner's auction period is coming to an end on 31.07.2015. But the first respondent is taking steps to bring auction for fishing rights for the years 2015-2018.

3. In fact, the third respondent has rejected the request made by the petitioner for extension of time. Now it is the grievance of the petitioner that when the recommendations made by the second and third respondents are pending with the first respondent, if the first respondent brings fresh auction for fishing right for the years 2015-2018, the petitioner would be put to irreparable loss. Hence, the petitioner has come forward with the present writ petition.

4. Considering the factual aspects of the case, this Court is constrained to pass the following order:-

The petitioner is directed to give a fresh representation to the first respondent along with the copy of this order. The first respondent is directed to consider the same by taking note of the recommendation made by the respondents 2 and 3 and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. Till such time, the respondent shall not proceed with the fresh auction.

7. Accordingly, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

sub Assistant Registrar

rj2

To

1. DIRECTOR OF FISHERIES, DEPARTMENT OF FISHERIES,
DMS COMPLEX, TEYNAMPET, CHENNAI 600 006.
 2. THE DISTRICT COLLECTOR, MADURAI.
 3. THE ASSISTANT DIRECTOR OF FISHERIES,
PECHIAMMAN PADITHURAI, MADURAI.
- +1CC TO SPECIAL GOVERNMENT PLEADER SR NO.43991

W.P. (MD) No.11724 of 2015

AND MP(MD) NO.1 OF 2015

03.08.2015

RG.19.08.2015

2P/5C