



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.18105 of 2015

and

M.P(MD)No.1 of 2015

Mr.M.Muhamud Salim

...Petitioner

Vs.

1.The District Collector,
Theni,
Theni District.

2.The Assistant Director of Fishery Department(Local),
Vaigai Dam,
Aundipatty Taluk,
Theni District.

...Respondents

Prayer : This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider and pass order on the representation made by the petitioner on 23.06.2015 for extending the lease period for another three months with regard to Kannaimar Kulam situated at Muthuthevanpatti Village, Aundipatty, Theni District.

For petitioner	: Mr.B.Rajesh Saravanan
For Respondents	: Mr.M.Murugan, Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to consider and pass orders on the representation made by the petitioner on 23.06.2015 for extending the lease period for another three months with regard to Kannaimar Kulam situated at Muthuthevanpatti Village, Aundipatty, Theni District.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the petitioner is the highest bidder in the auction conducted for the lease to collect fishes at Kannaimar Kulam situated at Muthuthevanpatti Village, Aundipatty, Theni District, for three years and an agreement was entered into between the petitioner and the second respondent on 27.02.2013 vide document No.1957 of 2013 on the file of the Sub-Registrar Office, Theni. By way of the said lease agreement, the petitioner was permitted to rear and



collect fishes at Kannaimar Kulam for the period from 04.02.2013 to 03.06.2015 and the petitioner had also paid the entire lease amount of Rs.1,18,000/- with the second respondent. But, unfortunately, due to unexpected heavy rain in March-April, 2015 and because of advanced agricultural activities, the petitioner was prevented from fishing from the said tank. Further, due to disease and other reasons, the fishes in the tank perished and hence, the petitioner incurred heavy loss. Hence, he has made a representation to the respondents on 23.06.2015 requesting to extend the lease period. Since the same was not considered so far, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, this Court is constrained to pass the following order:

Without going into the merits of the averments made in the Writ Petition, the second respondent is directed to consider the representation of the petitioner, dated 23.06.2015, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the second respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Theni,
Theni District.

2.The Assistant Director of Fishery Department(Local),
Vaigai Dam,
Aundipatty Taluk,
Theni District.

+1cc to Mr.B.Rajesh Saravanan, Advocate SR.No.59296

+1cc to The Special Government Pleader, Madurai. SR.No.89335

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pm

NS/SKS-RR/19.10.2015 : 2P/5C

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