



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 26.02.2015
CORAM

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

WEB COPY

W.P (MD) No.1843 of 2015
and
M.P (MD) Nos.1 and 2 of 2015

P.Ravichandran

..Petitioner

Vs

1.The District Collector,
Collectorate,
Madurai.

2.The Assistant Director of Fisheries,
Office of the Assistant Director of Fisheries,
Fisheries Department,
Petchiamman Padithurai,
Madurai-1.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the second respondent in Na.Ka.No.1186/E/2012, dated 11.12.2014 and to quash the same as illegal and unconstitutional and to direct the respondents to restore the fishing rights of the Petitioner in Viradhanoor Tank, Madurai District taking into account of the Petitioner's representation dated 12.01.2015.

For Petitioner :M/s.Vinayagamorthy

For Respondents :Mr.T.R.Janarthanan
1 and 2 Addl.Govt.Pleader

ORDER

This Writ Petition is filed praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the second respondent in Na.Ka.No.1186/E/2012, dated 11.12.2014 and to quash the same as illegal and unconstitutional and to direct the respondents to restore the fishing rights of the Petitioner in Ciradhanoor Tank, Madurai District taking into account of the Petitioner's representation dated 12.01.2015.

2.Heard the submissions made by the learned counsel on either side and perused the materials available on the typed-set of papers.

3. The Writ Petitioner challenged the impugned order dated 11.12.2014 on the ground that he had sought for extension of licence because of drought, he could not enjoy the fruits of the licence. Therefore



legitimately expecting that the licence would be extended. He had been enjoying the property after water came. But when he asked for further extension of licence, the authorities have denied under the impugned order.

4. The learned counsel for the respondents brought to the notice of this Court that originally he was given licence for the year 2012-13 renewable for two years on payment of the 10% of the licence amount. After the first year payment, he has neither paid the renewal fee for the year 2013-14 nor the fee for 2014-15. He had also enjoyed the right of fishing after water came. Therefore the very contract itself was cancelled and subsequently allotted to the Fishing Cooperative Society as per the circular of the Government and therefore the impugned order herein is passed.

5. At the outset, the learned counsel for the Petitioner fairly submitted that he has not paid the renewal fee for the year 2013-14 and 2014-15 as per the original licence. Therefore his continuance is not correct under law and rightly it has been cancelled.

6. In view of the above, the Petitioner is not legally entitled to question the order impugned herein and the same is valid under law. Therefore, the Petitioner is not entitled to the relief sought for in the Writ Petition and accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

1. The District Collector, Collectorate, Madurai.

2. The Assistant Director of Fisheries,
Office of the Assistant Director of Fisheries,
Fisheries Department, Petchiamman Padithurai,
Madurai-1.

+1 CC TO M/S.V.VINAYAGAMOORTHY, ADVOCATE S.NO.9106

+1 CC TO THE SPL.GOV.T.PLEADER SR.NO.9480

+1 CC TO M/S.T.LAJAPATHI ROY, ADVOCATE, SR.NO.9185

W.P (MD) No.1843 of 2015

and

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