

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19413 of 2016
& WMP.No.16831 of 2016

D.Mani

... Petitioner

Vs.

1. The District Collector
Kancheepuram District.
2. The Inspector of Fisheries
Chengalpattu, Kancheepuram District.
3. The Executive Engineer
[Water Resources Department]
Keel Palar Basin Sub Division,
Public works Department
Kancheepuram Town,
Kancheepuram District.
4. The Assistant Engineer
[Irrigation Branch]
Water Resources Department
Public Works Department
Chengalpattu Town
Kancheepuram District.
5. The President
All Agricultural Cultivating
Plants Farmers Association,
No.6, South Mada Street,
Thirukkachur [Village]
Chengalpattu Town 603 204,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus forbearing the respondents 1 to 4 from in any way allowing the 5th respondent Association as well as the local villagers, farmers and others etc., in the illegal fishing at Thirukkatchur Lake during the above lease periods from 07.09.2015 to 30.08.2016 and from causing undue losses to the petitioner in the above fishing rights.

For Petitioner : Mr.D.Padmanabhan
For Respondents : Mr.V.S.Ramesh,
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is an agriculturist by occupation and would state that the fishing rights in respect of the Thirukkatchur Water Tank was sought to be auctioned and he accordingly participated in the public auction conducted on 04.09.2015 and became a successful bidder and also paid the necessary amount and he was also issued with the Confirmation Letter dated 07.09.2015 by the 3rd respondent. According to the petitioner, his lease rights is for the period from 07.09.2015 to 30.08.2016 and he has also commenced his operation. The grievance expressed by the petitioner is that despite the subsistence of the valid lease, some third parties are catching fish and the petitioner made a request, not to do so, but they are not heeding to his request. In this regard, the petitioner had also lodged a complaint with the Inspector of Police, Maraimalai Nagar Police Station on 21.05.2016 and since no response is forthcoming, he is constrained to approach this Court by filing this writ petition.

3. The learned counsel for the petitioner would submit that admittedly, the petitioner is having a valid and subsisting lease of fishing rights in respect of Thirukkatchur Water Tank for the period from 07.09.2015 to 30.08.2016 and since it was auctioned by the 3rd respondent, he is bound to protect the interest of the petitioner and despite the misdeeds of some of the residents of the locality and a request for compensation was submitted by the petitioner on 10.12.2015 to the 2nd respondent who is having the administrative control over the 3rd respondent, he is keeping silent over the same and therefore, the petitioner has approached this Court.

4. Heard Mr.V.S.Ramesh, learned Government Advocate who accepts notice on behalf of the respondents.

5. Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 10.12.2015 on merits and in accordance with law and pass orders as expeditiously as possible and not

later than four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

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CTK (CO)
CA(17/06/2016)