



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 08.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.14265 of 2016

Chandramohan

..Petitioner

Vs

1.The Executive Engineer,
Public Works Department,
Upper Vaippar Basin Section,
Rajapalayam,
Virudhunagar District.

2.The Assistant Engineer,PWD/WRO,
Upper Vaippar Basin Sub-Section,
Sankarankovil,
Tirunelveli District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider the Petitioner's representation dated 23.6.2016 and to enhance the fishery lease period for further five years in respect of Paikulam Tank situated at Thalaivankottai Village, Kadayanallur Taluk, Tirunelveli District in the light of G.O.ms.No.332(Animal Husbandry and Fisheries (FS-IV) Department, dated 17.11.1993.

For Petitioner :M/s.K.Sudalaiyandi

For Respondents :Mr.A.Muthukaruppan
Addl.Govt.Pleader

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

<https://hcservices.equity.govt.tn.us> is filed on behalf of the Respondents.



4. According to the Petitioner, on 28.12.2015, the Second Respondent/The Assistant Engineer, PWD/WRO, Upper Vaippar Basin Sub-Section, Sankarankovil, Tirunelveli District had conducted auction to lease in respect of fishing right in Paikulam Tank, Thalaivankottai Village, Kadayanallur Taluk, Tirunelveli District. He was the successful bidder in the said auction and hence, the fishery lease was granted to him by the Second Respondent, which was approved by the First Respondent through his proceedings in Ka.No.1/15-10/2014, dated 13.1.2016. The lease was granted to him till 30.6.2016 only.

5. The stand of the Petitioner is that he had invested a sum of Rs.5 lakhs to develop the fishing in the said tank. During that period, due to scarcity of rainfall, there is no growth of fish. For the said reason and also because of the short period of lease, he was not able to earn the money invested by him. Hence he has sent a representation, dated 23.6.2016 to the Respondents (through registered post) and requested to enhance the fishery lease period for a further period of five years in respect of Paikulam Tank, situated at Thalaivankottai Village, Kadayanallur Taluk, Tirunelveli District, in the light of G.O.Ms.No.332 (Animal Husbandry and Fisheries (FS-IV) Department, dated 17.11.1993. Even after the receipt of the same, the Respondents have not passed any orders till date. Hence the Petitioner has come forward with the present Writ Petition, for the relief stated supra.

6. Considering the fact that the Petitioner's representation, dated 23.6.2016 is pending on the file of the First Respondent, without any progress or disposal as on date, at this stage, this Court, in the interest of justice, Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the First Respondent/The Executive Engineer, Public Works Department, Upper Vaippar Basin Section, Rajapalayam, Virudhunagar District to look into the representation of the Petitioner, dated 23.6.2016 within a period of one week from the date of receipt of a copy of this order and thereafter, to dispose of the same by passing a reasoned speaking order, on merits (of course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of two weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the First Respondent and the First Respondent in turn, shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 23.6.2016. The Petitioner is directed to lend his assistance and co-operation in this regard, to the First Respondent, in disposing of his representation, dated 23.6.2016 within the time specified by this Court.



7. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/

Assistant Registrar(Records)

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/True Copy/

Sub Assistant Registrar.

To

1. The Executive Engineer,
Public Works Department,
Upper Vaippar Basin Section,
Rajapalayam,
Virudhunagar District.
2. The Assistant Engineer, PWD/WRO,
Upper Vaippar Basin Sub-Section,
Sankarankovil,
Tirunelveli District.

+1CC to M/S.K.Sudalaiyandi, Advocate, SR.No. 42743
+1CC to the Special Government Pleader, SR.No.42619

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vsn

SD/SS2/18/08/2016/3P/5C