



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition (MD) No.20936 of 2016
and W.M.P (MD) No.14942 of 2016

K.Thangadurai

... Petitioner

Vs.

Assistant Director of Fisheries,
Fisheries Department,
Vaigai Dam,
Theni District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to extend the period of the petitioner's fishing right in Meenakshiamman Peria Kanmoi, situated at B.Ammapatti in Bodi Taluk in Theni District, for three years period, by disposing his representation, dated 17.10.2016 in the light of the order of this Court made in W.P(MD)No.6167 of 2015, dated 22.09.2015.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent : Mr.J.Gunaseelan Muthiah
Government Advocate

ORDER

The present Writ Petition is filed by the petitioner with a prayer to direct the respondent to extend the period of the petitioner's fishing right in Meenakshiamman Peria Kanmoi, situated at B.Ammapatti in Bodi Taluk in Theni District, for three years period, by disposing his representation, dated 17.10.2016 in the light of the order of this Court made in W.P(MD)No.6167 of 2015, dated 22.09.2015.

2.The contention of the petitioner is that earlier, he has filed a Writ Petition in W.P(MD)No.6167 of 2015 and this Court passed the final order on 22.09.2015, directing the respondents to extend the lease period of the petitioner for a period of one year



and after expiry of one year period, the petitioner is at liberty to approach the respondents for extension of lease period and in any event, the respondents shall consider the same on merits and in accordance with law.

3. Based on the above said order, the learned counsel for the petitioner argued that the earlier order of this Court gives a cause of action for filing of the present Writ Petition seeking extension of time for continuation of fishing right for another period of three years.

4. The petitioner in his affidavit has stated that he has filed Writ Petitions in earlier circumstances on many occasions.

5. The learned Government Advocate appearing for the respondent opposed the contentions of the petitioner by stating that the duration of the lease agreement was already lapsed on 06.10.2016 and therefore, the petitioner has no right to continue and further contended that fresh public auction is scheduled to be held on 16.11.2016 and the petitioner also can participate in the auction and there is no prohibition for such participation by the petitioner.

6. On seeing the affidavit of the petitioner, this Court is of the opinion that the petitioner is having the habit of filing frequent writ petitions only with an idea to extend the lease period somehow or other by getting orders from this Court. Such an attitude of the petitioner is deprecated and cannot be encouraged by this Court in the public interest. The auction is to be conducted as per the terms and conditions and no person shall be allowed to continue the lease period without participating in the public auction, which provides opportunity to all the general public in order to generate more revenue to the Government. Therefore, the interest of the public in general to be protected and this Court cannot be used as a tool by the petitioner to extend the lease period in one way or other by filing frequent writ petitions.

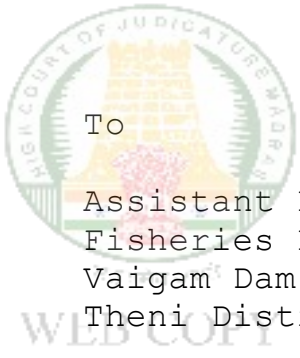
7. Considering the facts and circumstances of the case, this Court is not inclined to consider the case of the petitioner and accordingly, this Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (As)

/True copy/

Sub Assistant Registrar



To

Assistant Director of Fisheries,
Fisheries Department,
Vaigam Dam,
Theni District.

+2cc to Mr.R.Suriyanarayanan, Advocate SR.No.65335,64837
+1cc to special Government Pleader SR.No.,64775

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W.P (MD) No.20936 of 2016
01.11.2016