



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.08.2016

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THE HONOURABLE MR.JUSTICE S.S.SUNDARW.P(MD)No.15968 OF 2013 & M.P(MD)No.1 & 2 of 2013

N.Rajendran

..Petitioner

.-Vs.

1.The Director of Fisheries,
Administrative Office,
Thenampet,
Chennai-600 006.

2.The District Collector,
Madurai District,
Madurai.

3.The Assistant Director of Fisheries,
O/o The Assistant Director of Fisheries
(Inland Fisheries)
Madurai.

..Respondents

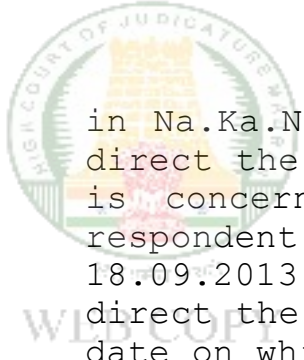
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the third respondent in his Proceedings in Na.Ka.No.1186/I/2012 dated 10.06.2013 insofar as it relates to direct the petitioner to pay the lease amount for the year 2013-14 is concerned and the consequential order issued by the third respondent in his proceedings in Na.Ka.No.1186/I/2012-I dated 18.09.2013 and quash the same as illegal and consequentially to direct the respondents to fix the period lease from 01.06.2013 the date on which the petitioner was granted lease and pass such further orders as this Court may deem fit and proper.

For Petitioner :Mr.Md.Imran
for M/s.Ajmal Associates

For Respondents :Mr.Aaiyram K.Selvakumar
Govt.Advocate.

ORDER

<https://hcservices.e-governance.gov.in/hcservices> The petitioner has filed this Writ Petition seeking a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the third respondent in his Proceedings



in Na.Ka.No.1186/I/2012 dated 10.06.2013 insofar as it relates to direct the petitioner to pay the lease amount for the year 2013-14 is concerned and the consequential order issued by the third respondent in his proceedings in Na.Ka.No.1186/I/2012-I dated 18.09.2013 and quash the same as illegal and consequentially to direct the respondents to fix the period lease from 01.06.2013 the date on which the petitioner was granted lease.

2. The case of the petitioner is that the third respondent called for tender applications regarding the lease/licence to catch fish in Vaagaikulam Tank, Kuruthur Village, Madurai North, by notification, dated 18.01.2013, for a period of three years commencing from 2012-2013. The petitioner also admits that the lease/licence is for a period of three years commencing from 2012-2013. The grievance of the petitioner is that the lease for catching fish in the particular tank was granted only by proceedings dated 10.06.2013 and therefore, the lease period should be only from the year 2013-2014.

3. It is the stand taken by the petitioner that the three year period of lease should be taken from 2013-2014 to 2015-2016 and that the payment of the petitioner for the first year should be taken as the payment for the period 2013-14. It is for the said reason, the petitioner challenges before this Court the order passed by the third respondent dated 10.06.2013, in Na.Ka.No.1186/I/12-7, demanding a further sum of Rs.31,713/- plus a sum of Rs.1,586 for the period 2013-14 and the lease amount for the third year namely 2014-2015. Admittedly, the petitioner has taken the lease for three Fasili i.e. from 01.07.2012 to 31.06.2015, knowing fully well the agreement and his obligation to pay the lease amount for three years commencing from 2012-13. In such circumstances, the impugned order demanding the sums as per the order cannot be faulted.

4. However, the petitioner pleads that he was not benefitted or he could not exploit the licence for the major portion of first year commencing from 01.07.2012 to 10.06.2013 for various reasons and that he is not liable to pay any amount for the said period. The petitioner also submits that he is also continuing for the next year i.e. 2015-2016 by virtue of an interim order granted in another writ petition filed by him in W.P(MD)No.16893 of 2015.

5. In the above circumstances, while dismissing the writ petition, this Court directs the third respondent to consider the representation of the petitioner dated 10.09.2013, having regard to the peculiar facts of the case that the petitioner could not enjoy the lease till the tank was handed over to the petitioner by an order dated 10.06.2013. While considering the representation of the petitioner, the petitioner may also be given an opportunity to substantiate his case either for refund or for extension of lease from further period if it is permissible and appropriate in accordance with the terms of agreement and on equitable grounds.



6. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

1.The Director of Fisheries,
Administrative Office,
Thenampet,
Chennai-600 006.

2.The District Collector,
Madurai District,
Madurai.

3.The Assistant Director of Fisheries,
O/o The Assistant Director of Fisheries
(Inland Fisheries)
Madurai.

+One cc to M/s.Ajmal Associates, Advocate, SR.No.41135

+One cc to The Special Government Pleader, SR.No.41239

gsr
RL/6C/3P/KBM/10/8/2016

W.P (MD) No.15968 OF 2013 & M.P (MD) No.1 & 2 of 2013