

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37267 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to direct the respondents to extend the lease till realization of prawn culture in the tanks.

2. The 4th respondent-temple auctioned lease hold rights of prawn culture tanks in an extent of Ac.7.50 cents in Sy.No.506, 512, 513 and 514 of Yerurur village on 22.6.2013 for a period of three years and the petitioner became highest bidder for Rs.4,70,000/- per year and he deposited Rs.3 lakhs and he deposited the balance amount of Rs.1,70,000/- on 12.7.2014. He raised the first crop of 2015-16 in July, 2015. While so, due to floods the bunds of the tanks were damaged and the prawns were washed away. On that, the petitioner made a representation dated 23.11.2015 for waiver of lease amount for the lease year 2015-2016. Meanwhile, the Executive Officer has put the lease hold rights to auction on 18.10.2016 and one B. Polaiah became highest bidder for Rs.7,25,000/-. On coming to know about the same, the petitioner filed a representation to extend the lease for six months to realize the prawn culture already raised by him. But, there was no response. Hence, the petitioner filed this writ petition.

3. Learned Counsel for the petitioner submitted that the prawn in the tanks are ripen for harvest and at this stage, if the petitioner is directed to deliver possession of the said tank, it will cause great hardship to him.

4. Learned Standing Counsel for the temple on instructions submitted that the petitioner can continue for one year, provided if he is ready to pay

the bid amount viz., Rs.7,25,000/-. The learned Counsel for the petitioner agreed for the same.

5. In view of the above submissions, without expressing any opinion on merits, the Writ Petition is disposed of with the following direction:

“The petitioner is directed to pay Rs.7,25,000/- (Rupees Seven Lakhs and Twenty Five Thousand only), which is the highest bid amount. On such payment, the lease period of the petitioner over the tanks in question is extended till 18.10.2017.”

No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 8th November, 2016
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RAJA ELANGO, J

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