

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14218 of 2017

A.Kumar

.. Petitioner

Vs.

1. The District Collector,
Erode District,
Erode.

2. The Commissioner,
Ammapettai Panchayat Union,
Ammapettai, Bhavani Taluk,
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider and dispose of the petitioner's representation dated 15.05.2017 so as to extend the license period for further period of five years to carry on fishing activities in the Seelampatti Lake, Ammapettai Panchayat Union, Bhavani Taluk, Erode District within the time frame to be fixed by this Court.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.O.Selvam, GP for R1

Mr.C.C.Rangarajan, G.A. (for R2)

सत्यमेव जयते
ORDER

The petitioner has come forward with this Petition praying for issuance of a Writ of Mandamus directing the respondents to consider and dispose of the petitioner's representation dated 15.05.2017 so as to extend the license period for further period of five years to carry on fishing activities in the Seelampatti Lake, Ammapettai Panchayat Union, Bhavani Taluk, Erode District, within the time frame fixed by this Court.

2. According to the petitioner, he was granted license for carrying fishing activities for a period of five years from 01.07.2012 to 30.06.2017. While granting license on 07.05.2012, there is a categorical statement by the 2nd respondent that

beyond 30.06.2017, the period granted will not be extended. The petitioner made a representation on 15.05.2017, just before the expiry of the lease period, stating that he could not carry on his fishing activities due to scarcity of water and dry situation in the entire Erode, District and hence, license period may be extended and he is willing to pay the charge for the same. He further submitted that new license may be given and he may be permitted to continue his fishing activities and that the respondents may consider his representation and extend the period.

3. Since the license period falls for 5 years, this Court cannot direct the respondents to consider the representation and indirectly ask them to extend the period of license, just before the expiry of existing license period. After the period, they have to conduct fresh auction as per the procedures contemplated in law and it is open to the petitioner that he can participate in that fresh auction and if he is a successful person, he could get another permit for carrying on fishing activities. This Court is not inclined to grant the relief sought for by the petitioner, as the period of license already expired. If the relief is granted, it would amount to granting extension of license period, without following the proper procedure of fresh auction. This petition is dismissed accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

pvs

To:

1. The District Collector,
Erode District,
Erode.
2. The Commissioner,
Ammapettai Panchayat Union,
Ammapettai, Bhavani Taluk,
Erode District.

+ 1 cc to Mr.C.Munusamy, Advocate,SR.71390
+ 1 cc to The Govt.Pleader, SR.72692

W.P.No.14218 of 2017

VGI (CO)
NR 10/11/2017