

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.17578 of 2017

V.Arumugam

...Petitioner

v.

1.The District Collector,
Namakkal District, Namakkal.

2.The Block Development Officer,
Mallasamuthiram Panchayat Union,
Mallasamuthiram,
Tiruchengode Taluk,
Namakkal District.

...Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the 2nd to extend the fishery right in Chinnayeri, Palamedu situated in S.No.94, Palamedu Panchayat, Mallasamuthiram Panchayat Union, Namakkal District for the period 2017-2018 by way of disposing the written representation made by the petitioner on 29.06.2017.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.V.Selvakumar
Addl.Government Pleader

ORDER

The petitioner has filed the above writ petition, to issue a Writ of Mandamus, directing the 2nd to extend the fishery right in Chinnayeri, Palamedu, situated in S.No.94, Palamedu Panchayat, Mallasamuthiram Panchayat Union, Namakkal District for the period 2017-2018, by way of disposing of the written representation made by the petitioner on 29.06.2017, within a time frame.

2. Mr.C.Prakasam, learned counsel appearing for the petitioner submitted that the petitioner was declared as the successful bidder for harvesting the fish in Chinnayeri, but due to health hazards, the fishes had died and he could not be able to harvest the fish in the said Yeri. Therefore, he incurred heavy loss. The respondents assessed the arrears of the amount payable by the petitioner to Rs.5,24,269/- upto December, 2016, which was paid by the petitioner pursuant to the orders of this Court dated 23.02.2017 made in W.P.No.13719 of 2016. Further, it is the case of the petitioner that the respondents are bringing the said fishing right for public auction for the period 2017-18.

However, none participated in the public auction and the petitioner made his objections for conducting the said auction. The petitioner also made representations on 12.06.2017 and 29.06.2017, however, the second respondent has not passed any order so far. In these circumstances, the learned counsel for the petitioner submitted that the second respondent may be directed to consider the petitioner's representation and pass orders in accordance with law.

3. Mr.P.V.Selvakumar, learned Additional Government Pleader, appearing for the respondents submitted that the second respondent may be directed to consider the petitioner's representation, dated 29.06.2017 and pass orders in accordance with law within a time frame.

4. Having regard to the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, I direct the second respondent to consider the petitioner's representation, dated 29.06.2017 and pass orders in accordance with law, after giving an opportunity of personal hearing to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

M.DURAISWAMY,J.

(svki)

5. With these observations, the writ petition is disposed of. No costs.

05.09.2017

Index :Yes/No

Note: Issue order copy on 08.09.2017

svki

To

1.The District Collector,
Namakkal District, Namakkal.

2.The Block Development Officer,
Mallasamuthiram Panchayat Union,
Mallasamuthiram, Tiruchengode Taluk,
Namakkal District.

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