

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2017

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THE HONOURABLE MR. **JUSTICE M.DURAI SWAMY**

**W.P.Nos.30354 & 30355 of 2016
& W.M.P.Nos.26322 & 26323 of 2016**

D.Mani

.... Petitioner in
W.P.No.30354 of 2016

G.Ramasamy

.... Petitioner in
W.P.No.30355 of 2016

Vs

1.State Rep., by the District Collector,
Kancheepuram District,
Kancheepuram.

2.The Inspector of Fisheries,
Chengleput, Kancheepuram District.

3.The Executive Engineer,
(Water Resources Department),
Lower Palar Basin Sub-Division,
Public Works Department,
Kancheepuram Town,
Kancheepuram District.

4.The Assistant Engineer(Irrigation Branch)
Water Resources Department,
Public Works Department,
Chengleput Town,
Kancheepuram District.

.... Respondents in
Both W.Ps.

PETITION in W.P.No.30354 of 2016 is filed under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus forbearing the respondents from in any manner leasing out the fishing rights in Public Auction in respect of Thirukatchur Lake in Chengalpet Taluk, Kancheepuram District, without considering the renewal of lease in favour of the petitioner for further one more year.

PETITION in W.P.No.30355 of 2016 is filed under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus forbearing the respondents from in any manner leasing out the fishing rights in Public Auction in respect of five lakes viz., Kilambakkam Lake, Nandivaram Lake, Urapakkam Lake, Kattankulathur Lake and Potheri Lake in Chengalpet Taluk, Kancheepuram District, without considering the renewal of lease in favour of the petitioner for further one more year.

For Petitioner : Mr.R.Bharathkumar
in both W.Ps.

For Respondents : Mr.R.Rajeswaran,
in both W.Ps. Special Government Pleader

COMMON ORDER

The petitioners have filed the above writ petitions to issue writs of mandamus forbearing the respondents from in any manner leasing out the fishing rights in Public Auction in respect of Thirukatchur Lake in Chengalpet Taluk, Kancheepuram District, and five lakes viz.,

Kilambakkam Lake, Nandivaram Lake, Urapakkam Lake, Kattankulathur Lake and Potheri Lake in Chengalpet Taluk, Kancheepuram District, respectively, without considering the renewal of lease in favour of the petitioner for further one more year.

2. It is the case of the petitioners that the Village Administrative Officer of Thirukkatchur and the Village Administrative Officers of Kilambakkam, Nandivaram, Urapakkam, Kattankulathur and Potheri respectively have advertised in the localities for leasing out the fishing rights for one year period from 01.09.2015 to 30.08.2016. However, there was no adequate natural fish stock in the abovesaid lakes, and there was no effective water spread suitable for fish culture activity. Though the petitioners were given fishing right for one year period from 01.09.2015 to 30.08.2016, they are continuing their fishing right till now. The petitioners have made representations seeking extension of fishing right for one year period on 24.08.2016 and the same are pending consideration.

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3. The respondents have filed a counter affidavit disputing the averments stated in the affidavit filed in support of this petition and submitted that the petitioners can take part in the current year auction process.

4. Mr.R.Bharath Kumar, learned counsel appearing for the petitioner submitted that it would be suffice to direct respondents 3 and 4 to consider the representations of the petitioners dated 24.08.2016 in accordance with law.

5. Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents, submitted that the request of the petitioners cannot be granted for the reason that the lease period had expired as early as on 30.08.2016.

6. In this circumstance, I am of the view that respondents 3 and 4 can be directed to pass suitable orders on the petitioners' representations dated 24.08.2016. Accordingly, I direct respondents 3 and 4 to pass suitable orders on the representations of the petitioners dated 24.08.2016 in accordance with law, after taking into consideration the averments stated in the counter affidavit of the respondents, within a period of eight weeks from the date of receipt of a copy of this order.

With the above observation, the writ petitions are disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

17.08.2017

Index: No
Internet: Yes

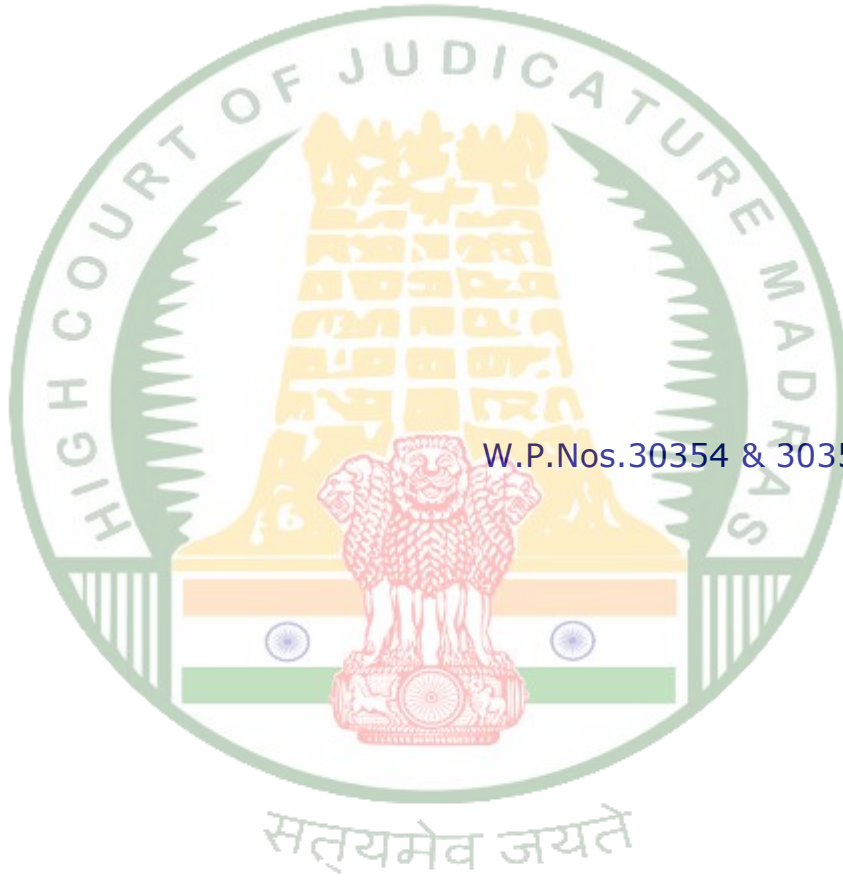
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To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Inspector of Fisheries,
Chengleput, Kancheepuram District.
3. The Executive Engineer,
(Water Resources Department),
Lower Palar Basin Sub-Division,
Public Works Department,
Kancheepuram Town,
Kancheepuram District.
4. The Assistant Engineer (Irrigation Branch)
Water Resources Department,
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M.DURAISWAMY,J.



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