



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.09.2017

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.10675 of 2017

and

W.M.P (MD) Nos.8141 and 8142 of 2017

J.S.Thambiraja

..Petitioner

Vs

1.The District Collector,
Dindigul District.

2.The Commissioner of Fisheries,
Fisheries Department,
Chennai.

3.The Assistant Director of Fisheries,
(Inland Fishing),
Fisheries Department,
Dindigul District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the impugned order in Na.Ka.No.1917/E/16-1, dated 6.3.2017 on the file of the third respondent and the consequent impugned order in Na.Ka.No.1917/A/2015-7, dated 22.4.2017 on the file of the third respondent and quash the same and further to direct the respondents 2 and 3 to adjust the lease amount paid by the Petitioner for the year 2016-17 towards the lease amount for the year 2017-2018 in respect of Gopalasamuthiram Tank, Dindigul District.

For Petitioner :M/s.G.Prabhu Rajadurai

For Respondents :Mr.A.Muthukaruppan
Addl.Govt.Pleader

ORDER

The challenge in this Writ Petition is to the order of the
respondents, dated 22.4.2017.



2. Heard the submissions made by Mr.G.Prabhbu Rajadurai, learned counsel for the Petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents and perused the materials placed before this Court.

3. The undisputed facts are that the Petitioner was issued with license to rear fishes in the Gopalasamuthiram Tank from 2015-2020. As per the agreement, the licensee has to pay 10% extra of the lease amount every year. Accordingly, the Petitioner paid the licence fee for the year 2015-16 and 2016-17.

4. The grievance of the Petitioner is that there was no rain in the year 2016-17 and there was no water in the tank, so he sustained huge loss. He made a representation on 24.2.2017 seeking compensation. But in the meanwhile, the third respondent passed the impugned order directing the Petitioner to pay the lease amount for the year 2017-2018, totalling to a sum of Rs.1,73,030/- on or before 30.06.2017.

5. The learned counsel for the Petitioner would submit that the recent rain has brought sufficient water to the tank and therefore, the Petitioner is ready and willing to comply the demand of the respondent, by his notice dated 22.4.2017 and that the Petitioner also reserve his right to claim compensation for the loss suffered by him for the year 2016-2017.

6. The learned Additional Government Pleader appearing for the respondents would submit that the Petitioner should have deposited the lease amount on or before 30.6.2017 and after lapse of time, he is not entitled seek for extension of time.

7. However, considering the facts and circumstances of the case and the submissions made on either side, the Petitioner is directed to deposit a sum of Rs.1,73,030/- to the third respondent on or before 31.10.2016. On such compliance, the third respondent is directed to permit the Petitioner to exercise his right under the agreement.

8. With the above directions, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar.



To

1.The District Collector,
Dindigul District.

2.The Commissioner of Fisheries,
Fisheries Department,
Chennai.

3.The Assistant Director of Fisheries,
(Inland Fishing),
Fisheries Department,
Dindigul District.

+1CC to Mr.G.Prabhu Rajadurai, Advocate, SR.No. 79661

+1CC to the Special Government Pleader SR.No.79601

W.P(MD)No.10675 of 2017
and

W.M.P(MD)Nos.8141 and 8142 of 2017
18.09.2017

vsn

AM/KK/SAR 2/06.10.2017/3P/6C