



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2017
CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P.(MD)No.11318 of 2017
and
WMP(MD)No.8692 of 2017

B.Sangaralingam

: Petitioner

-vs-

1. The District Collector,
Theni District.
2. The Commissioner of Fisheries,
Fisheries Department,
Chennai.
3. The Assistant Director of Fisheries,
(Inland Fishing)
Fisheries Department, Vaigai,
Theni District.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned Order in Na.Ka.No.825/A/2017, dated 09.05.2017 on the file of the 3rd respondent and quash the same and further directing the 3rd respondent to extend lease period of the petitioner for fishing rights in respect of Vettuvankulam Kanmoi, Jeyamangalam Village, Periyakulam Taluk, Theni District, by one more year (i.e., 2017-2018) by adjusting the lease amount paid by the petitioner for the year 2016-2017.

For Petitioner
For Respondents

: Mr.G.Prabhu Rajadurai
: Mr.G.Muthukannan
Government Advocate

O R D E R

The petitioner has come up with the present writ petition challenging the order of the 3rd respondent, dated 09.05.2017 and further to direct the 3rd respondent to extend the lease period of the petitioner for fishing rights in respect of Vettuvankulam Kanmoi, Jeyamangalam Village, Periyakulam Taluk, Theni District, for one more year (e.i., 2017-2018) by adjusting the lease amount paid by the petitioner for the year 2016-2017.



2. According to the petitioner, in the year 2014 the 3rd respondent called for tender for leasing out the fishing rights in respect of Vettuvankulam Kanmoi, Jeyamangalam Village, Periyakulam Taluk, Theni District, for a period of three years commencing from 01.07.2014 to 30.06.2017. The petitioner was declared as successful bidder and as per the tender condition, he agreed for raising of the lease amount of 10% for the succeeding years.

3. The petitioner would further stated that he paid the lease amount for the years 2014-2015, 2015-2016 and 2016-2017. Since there was no rain and no water in the said tank for the year 2016-2017, he suffered loss and therefore, he sent a representation to the 3rd respondent, dated 09.05.2017 seeking extension of one year. The 3rd respondent rejected the representation of the petitioner, by the impugned order stating that as per the tender condition No.10, he is not entitled for extension of lease.

4. Mr. G. Prabhu Rajadurai, learned counsel for the petitioner would submit that as per the original agreement, the petitioner had to pay 10% of the increased licence fee and that since the petitioner suffered loss for the year 2016-2017, he is ready to pay 15% increased licence fee. Therefore, the case of the petitioner can be considered sympathetically by the 3rd respondent.

5. Mr. G. Muthukannan, learned Government Advocate would submit that as per the tender condition, the petitioner is not entitled for extension of time.

6. However, considering the facts and circumstances of the case, the petitioner is directed to give a fresh representation to the 3rd respondent within a period of two weeks from the date of receipt of the order copy. On such compliance, the 3rd respondent shall consider the application of the petitioner sympathetically and pass appropriate orders, purely on merits and in accordance with law, within a period of four weeks therefrom.

7. With the above direction, the writ petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar



To

1. The District Collector,
Theni District.

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

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

+ 1 CC TO MR.G.Prabhu Rajadurai, ADVOCATE IN SR No.79659

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.79609

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MK/JC/SAR-2/06.10.2017/3P/6C

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