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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

**W.P(MD)No.18631 to 18633 of 2017**

**and**

**WMP (MD) .Nos.15018 to 15025 of 2017**

A.Rajendran

... Petitioner in  
W.P(MD)No.18631 of 2017

P.Mohan

... Petitioner in  
W.P(MD)No.18632 & 18633 of 2017

Vs.

1.The District Collector,  
Theni District.

2.The Deputy Director of Fisheries  
(Regional),  
Pechiamman Padithurai,  
Madurai.

3.The Assistant Director of Fisheries  
Inland Fishing,  
Vaigai Dam at Theni.

... Respondents in all WPs

**PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned orders of the third respondent herein Na.Ka.No.825/AA/2017, dated 28.04.2017 and 09.05.2017 and quash the same consequently direct the respondents herein to extend the period of lease of the petitioners for 5 years from July 2014 to June 2019 in respect of (i) Kannimar Kovil Kulam, Veerapandi Village, Theni Taluk (ii) Sirukulam Kanmoi, Kodangipatti panchayat, Bodinaickanur Taluk and (iii) Sippilichery Kanmoi, Kodangipatti Panchayat, Bodinaickanur Taluk, Theni District, respectively, with an increase of 10% lease every year as per G.O.Ms.No.332, Animal Husbandry & Fisheries (FS-IV) Department dated 17.11.1993 within a reasonable time.

For Petitioner : Mr.K.Appadurai

For Respondent 1 to 3 : Mr.T.S.Mohamed Mohideen  
Additional Government Pleader  
in all Writ Petitions

**ORDER**

These writ petitions have been filed, seeking a writ of Certiorarified Mandamus, to quash the impugned orders of the third respondent herein Na.Ka.No.825/AA/2017, dated 28.04.2017 and 09.05.2017 and consequently direct the respondents to extend the period of lease period, with an increase of 10% lease every year as per G.O.Ms.No.332, Animal Husbandry & Fisheries (FS-IV) Department dated 17.11.1993 within a reasonable time.

2.The learned counsel for the petitioners would submit that the petitioners were the successful bidder in the public auction conducted by the third respondent, in respect of the fishery right in the subject mentioned tanks situated in Theni District. Though the petitioners paid the amount for the entire lease period from 01.07.2014 to 01.07.2017, the tanks were handed over to the petitioners only during the month of December, 2014. However, the failure of enough rainfall resulted insufficient water in the tanks, which badly affected the fishing activities. Hence, the petitioners, by representations dated 07.04.2017, requested the third respondent to extend the lease periods, but the respondent by the impugned order dated 28.04.2017 and 09.05.2017, rejected the petitioners' requests. Aggrieved over the orders passed by the third respondent, the petitioners are here before this Court by filing these writ petitions, for a direction to the third respondent to extend the lease period.

3.Though the writ petitions have been filed questioning the impugned orders, the petitioners now confine their prayer to consider the loss incurred by the petitioners and give preference to the petitioners in the auction to be conducted by the authorities in future. The learned counsel also submits that the petitioners would submit necessary representation to the respondents towards the same.

4.The learned Additional Government Pleader would submit that as per the agreement entered into between the petitioners and the Assistant Director of Fisheries of the Dam, the petitioners are not entitled to claim any compensation for the loss incurred by petitioners due to natural calamities. Under such circumstances, these writ petitions are not maintainable.

5.In view of the submissions made on either side, this Court is inclined to direct the respondents to consider the representations of the petitioners on merits as well as in the light of G.O. Ms.No. 332, Animal Husbandry and Fisheries (FS IV), Department, dated 17.11.1993 and in accordance with law and take decision as and when situation arises. Such representation of the petitioners shall be presented along with a copy of this order, before the concerned authorities within two weeks from the date of receipt of a copy of this order.



6. With the above direction, the writ petitions are disposed of.  
No costs. Consequently, connected Miscellaneous Petitions are closed.

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/True Copy/

Sd/-  
Assistant Registrar (CS-III)

Sub Assistant Registrar

**TO**

1. The District Collector,  
Theni District.
2. The Deputy Director of Fisheries  
(Regional),  
Pechiamman Padithurai,  
Madurai.
3. The Assistant Director of Fisheries  
Inland Fishing,  
Vaigai Dam at Theni.

+1cc to M/s.K.APPADURAI Advocate in SR. No. 81835  
+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 82134  
DSK  
JS/SV.MMS/SAR.2/26.10.2017/3P-8C

W.P (MD) No.18631 to 18633 of 2017  
06.10.2017