



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) Nos.18729 to 18731 of 2017

and

WMP(MD) Nos.15106 to 15108 of 2017

A.Ramesh ... Petitioner in WP(MD) No.18729/17

V.Palaniyandi ... Petitioner in WP(MD) No.18730/17

U.Malairajan ... Petitioner in WP(MD) No.18731/17

vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Commissioner of Fisheries,
Fisheries Department,
DMS Campus, Admin Building,
Teynampettai,
Chennai - 600 006.

3. The Director of Fisheries,
Madurai Zone,
Vanamamalai 2nd Street,
Bye Pass Road,
Madurai - 18.

4. The Assistant Director of Fisheries,
(Inland Fishing)
Fisheries Department,
Petchiamman Padithurai,
Madurai - 625 001.

... Respondents in all WPs.

WP(MD) No.18729 of 2017 filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 4th respondent vide his proceedings in Na.Ka.No.829/E/15 dated 21.09.2017 and to quash the same as ~~unlawful~~ and consequently to direct the respondents to adjust the lease amount paid by the petitioner for the year 2016-2017 towards



the lease amount for the year 2017-2018 in respect of the Athalai Kanmoi situating in Athalai Village, Madurai North Taluk, Madurai District.

WP(MD)No.18730 of 2017 filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 4th respondent vide his proceedings in Na.Ka.No.829/E/16 dated 21.09.2017 and to quash the same as arbitrary and Consequently to direct the respondents to adjust the lease amount paid by the petitioner for the year 2016-2017 towards the lease amount for the year 2017-2018 in respect of the Pattakkurichi Kanmoi situating in Athalai Village, Madurai North Taluk, Madurai District.

WP(MD)No.18731 of 2017 filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 4th respondent vide his proceedings in Na.Ka.No.829/E/15 dated 21.09.2017 and to quash the same as arbitrary and Consequently to direct the respondents to adjust the lease amount paid by the petitioner for the year 2016-2017 towards the lease amount for the year 2017-2018 in respect of the Kallikudi Kanmai situating in Kallikudi Village, Madurai North Taluk, Madurai District.

For Petitioners : Mr.K.A.Nandhagopan

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
(in all the Writ Petitions)

COMMON ORDER

These writ petitions have been filed, seeking to quash the impugned orders of the fourth respondent herein in Na.Ka.No.829/E/15 and Na.Ka.No.829/E/16 dated 21.09.2017 and consequently direct the respondents to adjust the lease amount paid by the petitioners for the year 2016-2017 towards the lease amount for the year 2017-2018 in respect of Athalai Kanmai, Pattakurichi Kanmai and Kallikudi Kanmai situating in Athalai Village and Kallikudi Village, Madurai North Taluk, Madurai District respectively.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents. By consent, the writ petitions are taken up for final disposal at the stage of admission itself.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The case of the petitioners is that they are the successful bidders in the public auction conducted by the fourth



respondent, in respect of the fishery right in the subject mentioned tanks situated at Madurai District. The fourth respondent, after receipt of the lease amount for the year 2015-2016, executed lease deeds in favour of the petitioners granting fishing rights in the said tanks. The petitioners have also paid lease amount for the year 2016-2017. While so, due to failure of adequate rainfall during the lease period, the fingerlings which were put into the tanks were perished and therefore, the petitioners were not able to harvest the expected quantity of fish. Hence, the petitioners, by the representation dated 08.05.2017, requested the respondents to adjust the lease amount paid for the year 2016-2017 towards the lease amount for the year 2017-2018. But no action has been taken so far on the representations of the petitioners. In the meanwhile, the fourth respondent issued the proceedings dated 21.09.2017, directing the petitioners to pay the third year lease amount on or before 10.10.2017. Challenging the same, the petitioners are before this Court with the above prayer.

4.The learned counsel appearing for the petitioners would submit that the fourth respondent without considering the plight of the petitioners and also without considering their representations has erroneously passed the impugned orders and therefore, the same are liable to be set aside.

5.The learned Additional Government Pleader appearing for the respondents would submit that as per the agreement entered into between the petitioners and the Assistant Director of Fisheries, the petitioners are not entitled to make any claim before the fourth respondent. Under such circumstances, these writ petitions are not maintainable.

6.Considering the submissions made on either side and also considering the difficulty expressed on the side of the petitioners, this Court is inclined to direct the respondents to consider the representations of the petitioners sympathetically and pass appropriate orders thereon within a period of two weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petitions are disposed of. No costs. Consequently, WMP(MD)Nos.15106 to 15108 of 2017 are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

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Madurai District,
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2. The Commissioner of Fisheries,
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Fisheries Department,
Petchiamman Padithurai,
Madurai - 625 001.

+3cc to Mr.M.S.Jeyakarthik, Advocate Sr.No.82252,82253,82254
+1cc to Spl.Government Pleader Sr.No.82150

MJ

VB/KK/SAR4/31.10.2017/4P/9C

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