



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.19106 of 2017

and

W.M.P(MD)No.15488 of 2017

D.Aathi

... Petitioner

Vs.

1.The District Collector,  
Virudhunagar,  
Virudhunagar District.

2.The Block Development Officer,  
(Block Panchayat),  
Rajapalayam Panchayat Union,  
Virudhunagar District.

... Respondents

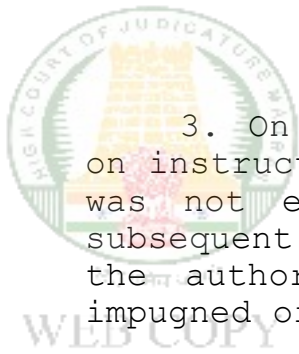
**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of 2<sup>nd</sup> respondent in Na.Ka.A2/1633/13, dated -09-2017, signed on 12-09-2017 and quash the same and consequently direct the respondents herein to extent the fishing right of petitioner in the tank situated at Sengulam Kanmai, Rajapalayam Panchayat, Virudhunagar within the time limit fixed by this Hon'ble Court.

|                 |                                                   |
|-----------------|---------------------------------------------------|
| For Petitioner  | : Mr.A.Sivaji                                     |
| For Respondents | : Mr.M.Alagathevan,<br>Special Government Pleader |

### O R D E R

This writ petition has been filed seeking a writ of Certiorarified Mandamus, to quash the impugned proceedings of the second respondent dated 12.09.2017 and to direct the respondents to extend the petitioner's fishing right.

2. According to the petitioner, he was the successful bidder, with regard to the tank in question and was granted licence for the Fasli year 1424, which was thereafter, extended for the Fasli year 1425. Since he was not able to carry out his work, due to failure of rainfall, in the subsequent Fasli year, for which, the lease period was not extended, he has submitted a representation along with a Demand Draft to the respondents for extension of lease, in respect of Fasli year 1427. While so, negating the claim of the petitioner, the present impugned order came to be passed and aggrieved thereby, the petitioner is before this Court.



3. On the other hand, the learned Special Government Pleader, on instructions, submitted that as the lease for the Fasli year 1426 was not extended, the question of extending the lease for the subsequent Fasli year, i.e., 1427, would not at all arise and thus, the authorities had rejected his claim and passed the present impugned order.

4. In reply to this stand of the learned Special Government Pleader, the learned Counsel for the petitioner submitted that the petitioner undertakes to pay over and above 10% of the previous year payment and therefore, his claim for extension may be considered by the authorities.

5. Heard both sides and perused the documents available on record.

6. In view of the submission of the learned Counsel for the petitioner, this Court, while declining to interfere with the impugned order, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 09.09.2017 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order. While passing orders, the respondents are directed to keep in mind the submission made by the learned Counsel for the petitioner, before this Court, with regard to his willingness to pay 10% over and above the previous year payment.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Virudhunagar,  
Virudhunagar District.

2. The Block Development Officer,  
(Block Panchayat),  
Rajapalayam Panchayat Union,  
Virudhunagar District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 87607

GK

JS/KK/SAR.1/24.11.2017/2P-4C

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

**W.P (MD) No. 19106 of 2017**

**15.11.2017**