

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2018

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THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.30232 of 2017
and
W.M.P.No.32924 of 2017

T.Sivalingam

... Petitioner

versus

1. The Director,
Fisheries Department,
DMS Compound,
Teynampet,
Chennai - 600 006.
2. The Assistant Director (Inland Fisheries),
Fisheries Department,
Villupuram.
3. The Inspector,
Fisheries Department,
Thirukovilur Taluk,
Villupuram District.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent made in his Proceedings in Na.Ka.No.1688/Aa/2014, dated 26.10.2017 and quash the same as illegal, arbitrary and against the principles of natural justice and directing the respondents to extend the fishing rights to the petitioner in Thaduthatkondur Lake, Thirukovilur Taluk, Villupuram District till the period of 30.6.2019 (01.07.2018 to 30.06.2019).

For Petitioner : Mr.S.Ambigapathi

For Respondents : Mr.ERA.Premnath
Government Advocate

O R D E R

The petitioner is aggrieved against the proceedings of the second respondent dated 26.10.2017, wherein and whereby he was called upon to pay a sum of Rs.3,93,728/- being the third year lease amount for the fishing rights conferred on the petitioner for the period from 01.07.2015 to 30.06.2018.

2. Heard both sides.

3. The grievance of the petitioner is that though he had paid the lease amount as stipulated for the first and second years without any default, he is not in a position to pay the stipulated lease amount for the third year in view of the severe drought resulting the loss of business to the petitioner, arising out of the said lease. Therefore, the petitioner made a request on 28.09.2017 for renewal of the lease for the year 2017-2018, without insisting upon the payment of stipulated amount.

4. It is seen that the said request of the petitioner was referred to the Government and the decision of the concerned authority from the Government is awaited. The above said fact is made available in the proceedings dated 16.10.2017 issued by the Assistant Director of Fishing Department, Villupuram to the petitioner. However, the said official through another communication dated 26.10.2017, without making any reference to the decision of the Government, if any made in this aspect, insisted the petitioner to make the payment for the third year. Therefore, it is contended by the petitioner before this Court that his claim has not been considered by the second respondent before passing the impugned communication.

5. I find some force in the submission made by the petitioner, more particularly, in the light of the proceedings issued by the second respondent dated 16.10.2017 intimating the petitioner that his request made through his representation dated 28.09.2017 has been referred to the Government and the results are awaited. Therefore, it is for the second respondent to seek appropriate orders from the Government in this regard and intimate the petitioner, accordingly. Since the period of lease is going to expire on 30.06.2018, the second respondent is directed to take appropriate steps to get decision from the Government as referred to in his proceedings dated 16.10.2017 and pass fresh orders on the representation made by the petitioner dated 28.09.2017, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the petitioner shall not be disturbed.

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

is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Fisheries Department,
DMS Compound,
Teynampet,
Chennai - 600 006.
2. The Assistant Director (Inland Fisheries),
Fisheries Department,
Villupuram.
3. The Inspector,
Fisheries Department,
Thirukovilur Taluk,
Villupuram District.

+1cc to the Government Pleader, S.R.No.162

+1 cc to M/s.S.Ambigapathi Advocate sr 91 dt 22/01

W.P.No.30232 of 2017

ssi(co)
cs/22/01/18

सत्यमेव जयते

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