

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13-12-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.18680 to 18684 of 2004
and
WPMP.Nos.22297 to 22301 of 2004

1. Selvagani (in WP.No.18680 of 2004)
2. M.Ganesh Kumar (in WP.No.18681 of 2004)
3. Balasubramanian (in WP.No.18682 of 2004)
4. K.Gurusamy (in WP.No.18683 of 2004)
5. Panchatsharam (in WP.No.18684 of 2004) ... Petitioners

...Vs...

1. The Assistant Director of Fisheries,
Fresh Water Fish,
Virudhunagar District.
2. The Commissioner,
Rajapalayam Panchayat Union,
Rajapalayam, Virudhunagar District.
3. The Chairman,
Rajapalayam Panchayat Union,
Rajapalayam, Virudhunagar District.
4. The Rajapalayam Taluk,
Fisheries Cooperative Society Q-645,
rep. by its Special Officer,
Rajapalayam,
Virudhunagar District. ... Respondents
(in all the writ petitions)

Common Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to renew the petitioner's lease in respect of the right to fish in Chettiarpatti Thondamankulam Lake, Vaigaikulam Lake, Kadapakodi Lake, Nadavakulam Tank and Karungulamkanami Lake, of Rajapalayam Taluk for a further period of 5 years.

For Petitioners : M/s.S.G.Jeremiah & Anusiya
For Respondent 2&3 : Mrs.R.Janaki
Addl. Government Pleader
For Respondent 1&4 : Mr.L.P.Shanmugasundaram
Special Government Pleader
(for all 5 writ petitions)

COMMON ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to renew the petitioner's lease in respect of the right to fish in Chettiarpatti Thondamankulam Lake, Vaigaikulam Lake, Kadapakodi Lake, Nadavakulam Tank and Karungulamkanami Lake, of Rajapalayam Taluk for a further period of 5 years.

2. The very relief sought for is for a renewal of petitioner's lease in respect of his fishing rights. This Court is of an opinion that fishing rights can never be claimed as a matter of right. Fishing permission / licenses are to be granted strictly in accordance with the regulations issued by the Government in this regard. All the eligible persons must be allowed to participate in the open auction to be conducted by the Competent Authority for the purpose of grant of fishing right / permission / license.

3. This being the principles to be followed, the very relief sought for in the present writ petitions are innocuous. This apart, the relief is for the renewal of lease for a period of 5 years and the writ petition was filed on 29.06.2004, and the period of 5 years lapsed during the year 2009 and now after efflux of time, the grounds raised in these writ petitions did not exist and the same became vanished. Thus, the writ petitions stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/--

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

Pkn

To

1.The Assistant Director of Fisheries,
Fresh Water Fish,
Virudhunagar District.

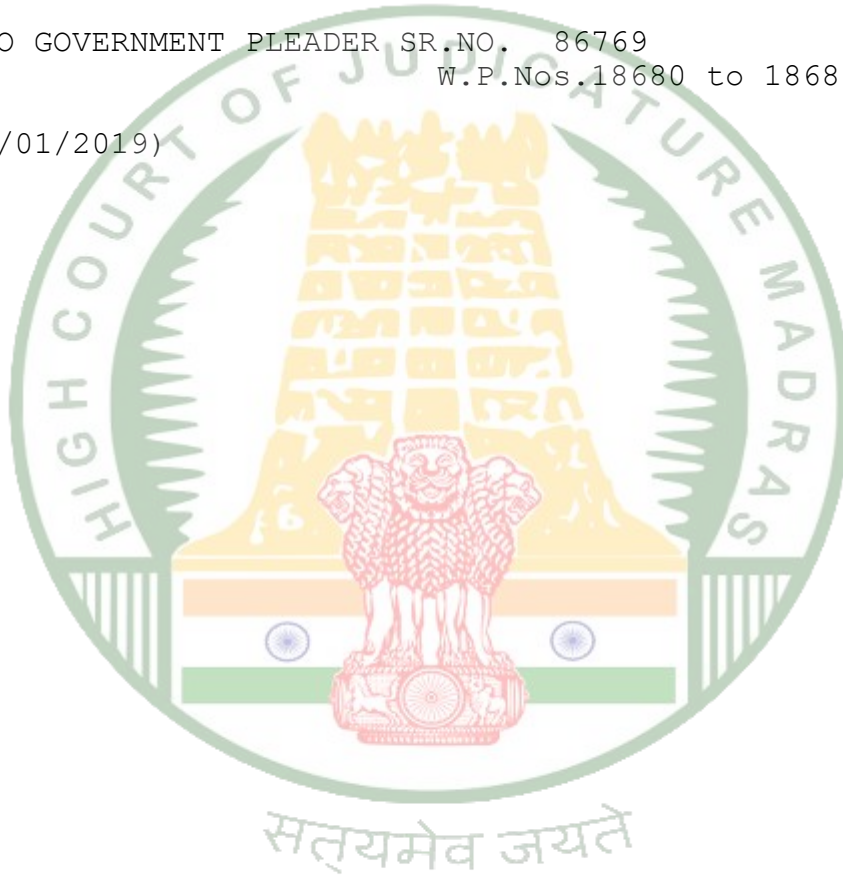
2. The Commissioner,
Rajapalayam Panchayat Union,
Rajapalayam, Virudhunagar District.

3. The Chairman,
Rajapalayam Panchayat Union,
Rajapalayam, Virudhunagar District.

4. The Special Officer,
Rajapalayam Taluk,
Fisheries Cooperative Society Q-645,
Rajapalayam, Virudhunagar District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 86769
W.P.Nos.18680 to 18684 of 2004

A.SK(10/01/2019)



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