

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.9781 of 2017
& WMP No.10763 of 2017

N.M.Jeyakumar

...Petitioner

Versus

1. The District Collector,
Erode District.
2. The Executive Officer,
Nasiyanur Panchayat,
Erode District.

... Respondents

Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents to extend the time for making payment of lease amount by the petitioner with regard to the fishing rights in Fish Pond, Siddhankuttai, Nasiyanur Panchayat, Erode District for the period 2017-2018 and consequently forbearing the 2nd respondent from cancelling the lease granted in favour of the petitioner to that effect till such time by considering the petitioner's representation dated 04.04.2017.

For Petitioner : M/s.I.C.Vasudevan
For Respondents : Mr.S.Diwakar, Spl.G.P (for R1)
: Mrs.P.Rajalakshmi (for R2)

O R D E R

The petitioner has come up with the Writ Petition for issuance of a Writ of Mandamus to direct the respondents to extend the time for making payment of lease amount by the petitioner for fishing rights in Fish Pond, at Siddhankuttai, Nasiyanur Panchayat, Erode District for the period 2017-2018 and consequently forbear the 2nd respondent from cancelling the lease granted in favour of the petitioner to that effect till such time by considering the petitioner's representation dated 04.04.2017.

2. The case of the petitioner is that he was granted lease to catch the fish in Fish Pond at Siddhankuttai, Nasiyanur Panchayat, Erode District, for the period from 01.04.2016 to 31.03.2019 by the 2nd respondent, vide order dated 22.02.2016. As per the condition in the lease deed, the petitioner has paid a sum of Rs.2,50,100/- to the 2nd respondent for the period from 2016-2017. However, due to drought condition prevalent in the area, there was no water in the pond. Hence, on 04.04.2017, the petitioner made representation to the respondents requesting to extend the time for payment of the lease amount for the period 2017-2018. It was not considered, hence, this writ petition.

3. The learned Special Government Pleader appearing for the 1st respondent submitted that as per the condition in the lease deed, the petitioner should have paid the lease amount in the month of April 2017. Since, there was a default, the respondents are taking steps to bring the pond for fresh auction.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the 1st respondent and perused the materials available on record.

5. It is an admitted fact that in the year 2016-2017, there was no water in the pond and the petitioner has suffered financially. Now, he seeks extension of time to pay the lease amount for the period 2017-2018. Taking note of the facts of the case and in the light of the above submissions, the petitioner is permitted to pay the lease amount for the year 2017-2018 within a period of six weeks from the date of receipt of a copy of this order, failing which, the lease would get cancelled.

6. With the above observations and direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
Erode District.

2. The Executive Officer,
Nasiyanur Panchayat,
Erode District.

+1cc to Mr.I.C.VASUDEVAN, Advocate, S.R.No.105

+1cc to the Government Pleader, S.R.No. 220

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KS(CO)
TR(22/01/2018)



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