

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 27-09-2018

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.28719 of 2016

And

W.M.P.No.24797 of 2016, 25429 of 2017 and 19646 of 2018

Thangavel

... Petitioner

..Vs..

1.The Additional Chief Secretary and
Commissioner of Land Administration,
Chepauk,
Chennai-600 005.

2.The District Collector,
Krishnagiri District.

3.The Senior Draughts Officer,
Krishnagiri Dam,
Krishnagiri District.

4.The Assistant Engineer,
Public Works Department,
Barur, Pochampalli Taluk,
Krishnagiri District.

5.The Thasildhar,
Pochampalli,
Krishnagiri District.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in connection with Na.Ka.23306/2015/H2 dated 1.8.2015 of the second respondent and quash the same and consequently, direct the respondents to extend fishery rights to the petitioner for the remaining period of current fasli year ending on 30.6.2018 along with further direction to the fifth respondent to conduct auction for the lake situate in S.No.130, Jambu Eri, extent 29.33.0 hectare situate in Vilangamudi Village, Pochampalli Taluk, Krishnagiri District, for every fasli year i.e., (from the first July to the 30th June of the succeeding year) immediately after expiry of the previous fasli. (Prayer amended as per order of Court dated 25.7.2018 made in WMP No.7069 of 2018 in WP No.28719 of 2016)

For Petitioner : M/s.Thameem Mohideen and
A.B.Reehana Begum

For Respondents : Mrs.A.Shrijayanthi,
Special Government Pleader.

O R D E R

The amended relief sought for in this writ petition is to direct the respondents to extend the fishery rights to the petitioner for the remaining period of the current fasli year ending on 30.6.2018 along with further direction to the fifth respondent to conduct auction for the lake situate in S.No.130, Jambu Eri, extent 29.33.0 hectare situate in Vilangamudi Village, Pochampalli Taluk, Krishnagiri District.

2. The original relief sought for in the present writ petition is to quash the order passed by the second respondent in proceedings dated 1.8.2016 and direct the respondents to extend the fishery rights to the petitioner for the next fasli year of 2016-2017.

3. As per the prayer sought for in the present writ petition, the period of fishery rights had expired. The learned counsel for the writ petitioner states that the writ petitioner deposited a sum of Rs.5,88,413/-. However, the writ petitioner was not permitted to exercise his fishery rights. The fact remains that the writ petitioner has not exercised his right even as per the tender conditions. Thus, the learned counsel for the writ petitioner states that the writ petitioner is entitled for reimbursement of the entire amount deposited by him with the fifth respondent.

4. This Court is of an opinion that the extension of fishery rights, cannot be granted in this writ petition in view of the fact that the same is to be done only by way of conducting a tender and by following the procedures contemplated. In respect of the license to be granted, the Competent Authorities are bound to issue tender notification and after following the procedures, the same is to be finalised in accordance with the procedures contemplated under law.

5. In respect of refund of the amount deposited by the writ petitioner, the fifth respondent is directed to conduct an enquiry and if the writ petitioner has not exercised any fishery right, then the amount deposited is to be refunded. If the writ petitioner has exercised his fishery right for a limited period, then also, the same may be considered and the amount may be reimbursed proportionately. In respect of the other relief, the writ petitioner is at liberty to participate in the tender, if

any, notified by the respondents.

6. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Additional Chief Secretary and
Commissioner of Land Administration,
Chepauk,
Chennai-600 005.
- 2.The District Collector,
Krishnagiri District.
- 3.The Senior Draughts Officer,
Krishnagiri Dam,
Krishnagiri District.
- 4.The Assistant Engineer,
Public Works Department,
Barur, Pochampalli Taluk,
Krishnagiri District.
- 5.The Thasildhar,
Pochampalli,
Krishnagiri District.

+lcc to Mr.A.Thameem Mohideen, Advocate, S.R.No.66990
+lcc to the Government Pleader, S.R.No.67428

rrs 11/10/2018

WP No.28719 of 2016