



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Seventeenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

REV.APLC(MD) No.51 of 2018
AND CMP(MD)NO.4877 OF 2018

DANUSHKODI

... REVIEW PETITIONER/
APPELLANT

Vs

1 THE DISTRICT COLLECTOR,
TIRUNELVELI DISTRICT.

2 THE EXECUTIVE ENGINEER,
WATER RESOURCES ORGANIZATION PWD CHITHAR
BASIN DIVISION TENKASI AT KUDIYIRUPPU-802
TIRUNELVELI DISTRICT.

3 THE ASSISTANT EXECUTIVE
ENGINEER CHITHAR BASIN SUB DIVISION
AMBASAMUTHIRAM TIRUNELVELI DT.

(*) 4 THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, CHENNAI.
(R4 IS SUO MOTU IMPEADED VIDE ORDER DATED 17/7/18 IN
REV.APLC(MD) 51/18 BY SSSRJ & AMBAJ.) ... RESPONDENTS

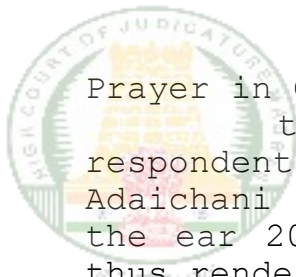
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to prefers this Memornadum of Grounds of Review Petition against the Order passed in W.A(MD) No.735 of 2018 dated 3.5.2018 passed by the Honourable Court.

Prayer in WA(MD). 735/ 2018 :

To prefer this Memorandum of Writ Appeal as against the order of this Honble Court in W.P.(MD).No.18274/2016 dated 27.03.2018.

Prayer in WP(MD). 18274/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to renew the petitioners lease for 3 years (excluding the 2 years) already done as per G.O.Ms. No. 332 Animal Husbandry, dated 17.11.1993.



Prayer in CMP(MD). 4877/ 2018 :

to pass an order of AD INTERIM INJUNCTION restraining the respondents their men agents and officials from auctioning the Adaichani Periyakulam Ambasamudram Taluk, Tirunelveli District for the year 2018-2019 till the disposal of the Review Application and thus render justice.

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ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.S.R.VENKATARAMANA, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-+

(Order of the Court was made by **S.S.SUNDAR, J.**)

Despite the direction of this Court in a batch of writ petitions by order dated 27.03.2018 that G.O.Ms.No.332, Animal Husbandry and Fisheries (FS-IV) Department, dated 17.11.1993 shall be followed and the respondents in all the writ petitions were directed to lease out fishery rights as per Government Orders and to strictly follow the Government Order, the Junior Engineer, Public Works Department, Aalvarkurichi, has once again notified the lease of "Adaichani Periyakulam" for a period of one year.

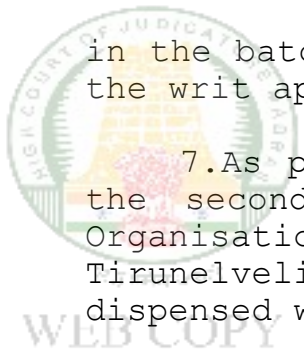
2.It is further pointed out that in several cases, the lease has been given for a period of one year without following the Government Orders.

3.The learned counsel appearing for the petitioner has specifically stated that the respondents are not following the Government Orders in its letter and spirit and there is no uniformity. It is further stated by the learned counsel for the petitioner that the respondents are doing this according to their whims and fancies. The allegations, which are made against the respondents are serious and this is likely to lead further complications and irregularities in the matter of leasing out fishery right in several tanks through out the State. *Prima facie* this Court is of the view that the conduct of official respondents to lease out fishery rights for one year is contumacious.

4.In this regard, this Court wants to get the assurance from the State Government, so that the Government Orders will be followed in terms of the order passed by this Court.

5.In these circumstances, the Secretary to Government, Public Works Department, Chennai. is impleaded *suo motu* to this proceedings as fourth respondent and the Registry is directed to carry out the necessary amendment in the cause title of this Review Application accordingly.

6.The fourth respondent is directed to file an affidavit before this Court explaining how the leases were given for one year and the steps taken for the implementation of the directions of this Court



in the batch of writ petitions, which is confirmed by this Court in the writ appeal filed by the petitioner in the Review Application.

7.As per the earlier direction of this Court dated 28.06.2018, the second respondent / The Executive Engineer, Water Resource Organisation, PWD, Chithar Basin Division, Thenkasi at Kudiyiruppu, Tirunelveli District, is present in Court today. His presence is dispensed with in future.

8.List the matter on 06.08.2018.

sd/-
17/07/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE DISTRICT COLLECTOR,
TIRUNELVELI DISTRICT.
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ORDER
IN
REV.APLC(MD) No.51 of 2018
AND CMP(MD)NO.4877/2018
Date :17/07/2018

MS/VR/VK/20.7.18-3P-5C