



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 04.01.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

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W.P.(MD)No.22075 of 2017
and
W.M.P.(MD)No.18396 of 2017

K.Sakthivel

. . .Petitioner

-Vs-

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Assistant Director (Fisheries),
Thanjavur.

3.The Special Officer / Block Development Officer,
Pudupattinam Panchayat,
Thanjavur.

. . .Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the respondents to allow the petitioner's lease over the fishery rights in Munusami Pillai Kulam Tank, Pudupattinam Panchayat, Thanjavur for a period of five years by following the Rule 11 of the Tamil Nadu Panchayat (Lease and Licensing of Fishery Rights in Water Sources vested and Regulated by village Panchayats and Panchayat Union Councils), Rules, 1999 from 01.07.2016.

For petitioner	: Mr.T.A.Ebenezer
For respondents	: Mr.M.Govindan (for R1 & R2) Special Government Pleader Mr.V.Muruganandam (for R3)

ORDER

The Writ Petition has been filed to direct the the respondents to allow the petitioner's lease over the fishery rights in Munusami Pillai Kulam Tank, Pudupattinam Panchayat, Thanjavur for a period of five years by following the Rule 11 of the Tamil Nadu Panchayat (Lease and Licensing of Fishery Rights in Water Sources vested and Regulated by village Panchayats and Panchayat Union Councils), Rules, 1999 from 01.07.2016.



2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first and second respondent and the learned counsel appearing for the third respondent and perused the material available on record.

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3. The learned counsel for the petitioner submitted that the petitioner is the lessee in respect of fishery rights in water sources under the control of the Village Panchayats and the petitioner took license for the fishing rights over the Munusami Pillai Kulam Tank, Pudupattinam Panchayat, Thanjavur from 01.07.2016. Due to the heavy loss in that year the petitioner requested the respondents for continuing the lease for one more year and the respondents also allowed him to continue for one more year. In course of time, since the respondents made arrangements for conducting auction on 30.11.2017, the petitioner submitted an application to the first respondent seeking lease for five years as per the Tamil Nadu Panchayats (Lease and licensing of Fishery rights in water sources vested and regulated by village Panchayats and Panchayat Union Councils) Rules, 1999 dated 27.11.2017.

4. When the above application is pending for consideration, the first respondent brought the tank for auction and hence, the petitioner filed the present Writ Petition.

5. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that on the application filed by the petitioner, the District Collector / the first respondent would pass suitable orders within a period of two weeks.

6. Considering the above submission, the first respondent is directed to consider the petitioner's application for renewal of license and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order and tank should not be brought into auction till the order is passed by the first respondent.

7. This Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, M.P. (MD) No. 18396 of 2017 is closed.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector, Thanjavur District, Thanjavur.

2. The Assistant Director (Fisheries), Thanjavur.

+One cc to Mr. T.A. Ebenezer, Advocate, SR.No. 40470

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RL/4C/2P/KK/SAR4/19/1/2018

W.P. (MD) .No. 22075 of 2017