

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 46353 of 2018

Date : 24.12.2018

Between:

SingamSaidulu S/o Rama Swamy Aged about 51 yrs Occ
Business R/o PeddaDevulapalli Tripuramlvlandal Nalgonda
District

Petitioner

And

The State of Telangana
Rep by its Prl Secretary Panchayath Raj Dept Secretariat
Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Panchayat Raj.

2. According to petitioner in the year, 2016 lease was granted for a period of one year to extract fish from the village tank which expired in June, 2017. For the reasons best known, the lease was extended for six months. Petitioner later submitted representation to the Gram Panchayat requesting to grant permission to extract fish for one more month on the ground that he could not extract fish for some problem. Considering the said request, Gram Panchayat passed orders on 20.7.2018 granting one month time. Petitioner continues to take same plea that he could not extract fish for some reason or the other or on the ground that thick spread of weed, water hyacinth in the village tank as such he could not catch the fish and seeks some more time.

3. Learned counsel for petitioner now places reliance on the alleged report submitted by the District Ground Water Officer, Nalgonda to the District Collector, Nalgonda dated 8.11.2018 noting down that loss caused to the petitioner and suggesting considering request made by the contractor for extension of lease. Learned counsel for petitioner now submits that the request of the petitioner should favourably be considered by the District Collector.

4. Admittedly lease is for one year. As per the open auction conducted, lease was granted to the petitioner and on expiry of the lease period, fresh auction has to be conducted. Alleged loss sustained cannot be a ground to seek extension of the lease. Whenever any lease is granted which is a business venture, profit or loss cannot be ground to

grant extension of lease. However, as noted above, sufficient accommodation was already given to the petitioner by various authorities even though his lease expired in June, 2017 i.e., for more than 1 ½ year.

5. The revenue generated by conducting open auction of fishing rights in the village tank is a major source of income to the Gram panchayat. Gram Panchayat cannot be deprived of major source of income on some ground or other by renewing the lease to the existing lease holder, even after expiry of the lease period. Therefore, the relief of extension of lease based on the representation submitted by the petitioner on the ground of alleged loss sustained by him, cannot be granted.

6. At this stage, learned counsel for petitioner submitted that petitioner is confining the relief for 30 more days only. As noted above, even though lease period expired, on request made by the petitioner, Gram Panchayat granted one month time as sought by petitioner on 20.7.2018. Even after expiry of one month, petitioner continued to occupy the village tank taking same plea as urged before the Gram Panchayat even after lapse of five months. Court is not inclined to grant any extension. Respondents are directed to take immediate steps to conduct open auction for awarding lease hold rights for extraction of fish from the village tank.

7. Accordingly, writ petition is dismissed. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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TVK

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