



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.05.2019

CORAM

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU****W.P(MD)No.12206 of 2019**

WEB COPY

A.Chithammal

... Petitioner

Vs.

1. The District Collector,  
Madurai.2. The Chief Administrative Officer/Assistant  
Director of Fisheries,  
Tamil Nadu Fisherman welfare Board,  
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to permit the petitioner to enjoy the fishery right as per the registered Agreement, dated 19.03.2015 or in the alternate to refund the lease amount of Rs.1,77,516/- deposited by the petitioner for the period 2018-19 along with Rs.8,858/- being the 5% Tamil Nadu Fisherman Welfare Board Share amount with 12% interest till the date of rent of the amount.

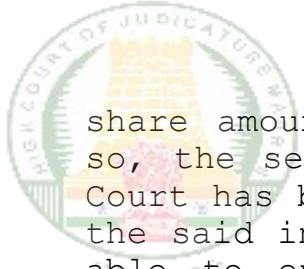
For Petitioner : Mr.P.Ganapathi Subramanian  
For Respondents : Mr.C.M.Mari Chelliah Prabhu,  
Additional Government Pleader.

**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to permit the petitioner to enjoy the fishery right as per the registered Agreement, dated 19.03.2015 or in the alternate to refund the lease amount deposited by the petitioner with interest.

2.Heard Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Pleader, who takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he participated in the auction conducted by the second respondent for fishery right in Aylangudi Kanmai and he was declared as a successful bidder and on 19.03.2015, the second respondent entered into a contractual agreement with the petitioner. Thereafter, on 13.07.2018, the petitioner remitted the lease amount of Rs.1,77,156/- for the fifth year commencing from 01.07.2018 and also remitted a sum of Rs.8,858/- being 5% of the



share amount due to the Tamil Nadu Fishermen Welfare Board. While so, the second respondent orally informed the petitioner that this Court has banned the fishing rights in all the tanks and in view of the said interim order granted by this Court, the petitioner is not able to enjoy the fruits of the fishing rights. Therefore, the petitioner sent a representation to the respondents on 11.05.2019, either to permit him to enjoy the fishery right as per the deed of contract or refund the deposited amount. Since the same has not been considered so far by the respondents, the petitioner has filed the present Writ Petition.

4.The learned Additional Government Pleader appearing for the respondents submitted that the representation of the petitioner, dated 11.05.2019 would be considered on merits within a reasonable time.

5.Considering the limited scope of the prayer sought for in the Writ Petition, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 11.05.2019, by affording an opportunity to him and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6.The Writ Petition is disposed of with the above direction. No costs.

sd/  
Deputy Registrar(LA)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Madurai.
2. The Chief Administrative Officer/Assistant  
Director of Fisheries,  
Tamil Nadu Fisherman welfare Board,  
Madurai.

+1 CC to Mr.P.GANAPATHI SUBRAMANIAN, Advocate ( SR-65948[F] dated 16/05/2019 )

+1 CC to SPL GP ( SR-66112[F] dated 17/05/2019 )

**W.P (MD) No.12206 of 2019**  
**16.05.2019**