



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

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**W.P. (MD) Nos.3481 of 2019**

**and**

**W.M.P (MD) .No.2742 of 2019**

**and**

**W.P (MD) .No.24157 of 2018**

**W.P. (MD) No.3481 of 2019**

M.Subramanian

... Petitioner

Vs

1.The Executive Engineer,  
Public Works Department,  
Water Resource Organization,  
Thamirabarani Basin Division,  
Tirunelveli District.

2.The Joint Commissioner,  
HR & CE Department,  
Tirunelveli.

3.The Executive Office,  
Arulmigu Kulathoor Ayyan Sastha Temple,  
Nainarkulam, Tirunelveli.

4.S.Thangaiya

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings in Ka.No.833/17/Tha4/ dated 15.10.2018 and the consequential order in Lr.No.DB/JD01/273/C.204/2018/ dated 30.12.2018 and quash the same as illegal, consequently directing the first respondent to conduct public auction to lease out fishing rights in Nainarkulam Tank, Tirunelveli Town for the year 2018-2019.

For Petitioner: Mr.T.Lenin Kumar

For R1 & R2 : Mr.M.Rajarajan

Government Advocate

For R3 : Mr.S.Manohar

For R4 : Mr.R.Anand for Mr.P.Samuel Gunasingh

**W.P. (MD) No.24157 of 2018**

<https://hcservices.ecourts.gov.in/hcservices/>

Thangiah

... Petitioner

Vs



1.The District Collector,  
Tirunelveli,  
Tirunelveli District.

2.The Executive Engineer,  
Public Work Department,  
Water Resource Organization,  
Thamirabarani Basin Division,  
Tirunelveli District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to modify his order made in Ka.No.833/17/T4 dated 15.10.2018 by extending the period of lease for a continuous period of five years in the light of Government Order in G.O.Ms.No.332, Animal Husbandry and Fisheries Department, dated 17.11.1993 in connection with the fishery rights of Nainarkulam Tank, Tirunelveli granted in favour of the petitioner.

For Petitioner : Mr.P.Samuel Gunasingh  
For Respondents : Mr.M.Rajarajan  
Government Advocate

### **COMMON ORDER**

Heard the learned counsel on either side.

2. The writ petitioner in W.P(MD)No.3481 of 2019 challenges the extension of lease given in favour of the fourth respondent.

3. The petitioner's contention is that as per G.O.Ms.No.332, Animal Husbandry and Fisheries Department dated 17.11.1992, the Department should not resort to annual leases. A lease should be only for a period of five years. If annual lease is given, it should not be extended. But in this case, such an extension has been given.

4. I am *prima facie* of the view that the petitioner is right in his contention. My conclusion is fortified by order dated 27.03.2018 made in W.P(MD).No.23861 of 2017 etc., batch. But, I do not want to delve deep into the matter. This is because Thiru.Swarnakumar, the Executive Engineer, Public Works Department, Water Resource Organization, Thamirabarani Basin Division, who is present in person, assures that auction would be conducted after the lease period is over. In other words, the fourth respondent's lease will not be extended beyond 30.06.2019. He further states that they may either resort to 5 years lease or one year. If they are resort to one year lease, under no circumstances, the lease period will be extended beyond one year period. The first respondent assures me that the revenue interest alone would be borne in mind.



5. Recording the undertaking given by the first respondent, the writ petition is closed. In view of the order made in W.P(MD). No.3481 of 2019, W.P(MD).No.24157 of 2019 is also closed. No cost. Consequently, connected Miscellaneous Petition is also closed.

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Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar (CS)

rmk

To

1.The Executive Engineer,  
Public Works Department,  
Water Resource Organization,  
Thamirabarani Basin Division,  
Tirunelveli District.

2.The Joint Commissioner,  
HR & CE Department,  
Tirunelveli.

3.The District Collector,  
Tirunelveli,  
Tirunelveli District.

+1 CC to M/s.S.MANO HAR, Advocate ( SR-58758[F] dated 04/04/2019 )  
+1 CC to M/s.T.LENIN KUMAR, Advocate(SR-58807[F] dated 04/04/2019 )  
+1 CC to M/s.SPL GP ( SR-58913[F] dated 04/04/2019 )  
+1CC to M/s.P.SAMUEL GUNASINGH, Advocate(SR-59311[F]dated 05/04/2019)

W.P.(MD)Nos.3481 of 2019  
and  
W.P(MD) .No.24157 of 2018  
03.04.2019

ES/DS/02.05.2019/6P/8C