



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 20520 of 2018 and

W.M.P. (MD) No. 18269 of 2018

WEB COPY

M. Mutupandian

... Petitioner

Vs.

1. The District Collector,
O/o. The District Collector,
Tirunelveli District.
2. The Assistant Director of Fisheries,
O/o. The Assistant Director of Fisheries,
No.1, Lakshmi Narasingham Salai,
Near Palayamkottai Bus Stand,
Palayamkottai, Tirunelveli - 627 002.
3. The Executive Engineer,
Public Works Department WRO,
Chittar Basin Division,
Tenkasi @ Kudiyiruppu,
Tirunelveli District.
4. The Assistant Engineer,
Public Works Department WRO,
Chittar Basin Division No.1,
Tenkasi @ Kudiyiruppu,
Tirunelveli District.
5. V. Govindan
(R-5 is impleaded vide order dated 29.04.2019
in W.M.P. (MD) No. 20231 of 2018) ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to proceedings in Letter No. Ko.1/2018/UP01(T) dated 14.09.2018 on the file of the fourth respondent and quash the same as illegal and consequently to direct respondents 3 and 4 to extend the petitioner's lease period for fishing rights in Arunthavapirati Tank, Rajagopalaperi Panchayath, Veerakeralam Pudur Taluk, Tirunelveli District for a period of one year (October 2018 to October 2019).

For Petitioner : Mr. T. Lajapathi Roy

For R-1 to R-4 : Mr. M. Rajarajan,
Government Advocate.

: Mr. Bharathan,
for Mr. T. R. Jeyapalam.



* * *

ORDER

Heard the learned counsel on either side.

2. The Writ petitioner has been issued with license to catch out fish in the petition mentioned Kanmai for a period of nine months. The license period expired on 30.09.2018. Unfortunately for the petitioner due to heavy rain, he was not in a position to catch the fish even during the subsistence of the license period. That is why considering the extraordinary circumstances, this Court is inclined to give some relief to the petitioner.

3. The petitioner's request for extension of lease was negatived by the third respondent. Even while sustaining the impugned order, this Court permits the petitioner to catch the fish in the petition mentioned tank within a period of two weeks which will expire on 16.05.2019. The Public Works Department will take resume the possession of the tank on 17.05.2019. The fishery rights in respect of the petition mentioned tank will be brought to public auction on or before the end of June 2019.

4. It is made clear that the petitioner will not be entitled to cause release of water from the petition mentioned tank. In order to ensure that it is not done, it is open to the local Ayacutdhars Association to monitor the Writ petitioner to ensure that the water is not released from the tank. These directions, in my view would balance the interests of all the competing parties.

5. This Writ petition stands allowed, to the extent indicated above.

6. The learned counsel appearing for the Writ petitioner on instructions gave a specific undertaking that the petitioner will not ask for any modification of this order or extension of time. Since the license itself is only for a period of nine months as per the extant Government Orders, there is no scope for grant of extension. That is why, this Court has sustained the order impugned in this Writ petition.

No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The District Collector, O/o. The District Collector,
Tirunelveli District.

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O/o. The Assistant Director of Fisheries,
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3. The Executive Engineer, Public Works Department WRO,
Chittar Basin Division, Tenkasi @ Kudiyiruppu,
Tirunelveli District.

4. The Assistant Engineer, Public Works Department WRO,
Chittar Basin Division No.1, Tenkasi @ Kudiyiruppu,
Tirunelveli District.

+1CC to Mr.T.R.JEYAPALAM , Advocate SR.No. 64314.

+1CC to Mr.T.LAJAPATHY ROY , Advocate SR.No. 64262.

+1CC to The Special Government Pleader SR.No. 64933.

W.P.(MD)No.20520 of 2018 and
W.M.P.(MD)No.18269 of 2018

29.04.2019

DS/ /SAR- (03.05.2019) 3P 8C