



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.19503 of 2019
and
W.M.P(MD)No.15949 of 2019

P.Marimuthu

... Petitioner

vs.

1. The District Collector,
Dindigul, Dindigul District.

2. The Director of Fisheries,
DMS, Teynampet,
Chennai - 600 006.

3. The Assistant Director of Fisheries,
Spencer's Compound, Near Bus Stand,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to extend the lease period of fisheries right in respect of water sources in Thattankulam, Thattankulam Village, Sivakiripatti, Palani Taluk, Dindigul District by considering the petitioner's representation dated 19.08.2019 within the time limit stipulated by this Court.

For Petitioner : Mr.AL.Kannan
for Mr.M.Dinesh
For Respondents : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

Mr.AL.Kannan, learned counsel representing Mr.M.Dinesh, learned counsel on record for writ petitioner is before this Court.

2. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, accepts notice on behalf of all three respondents.

3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.



4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 19.08.2019 wherein writ petitioner seeks extension of lease period of fisheries right in certain water sources.

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5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 19.08.2019 on its own merits and in accordance with law.

6. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 19.08.2019 made by the writ petitioner (page Nos.36 to 39 of the typed set of papers forming part of the case file).

7. It is made clear that in the course of the representation being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first respondent shall give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

8. The aforesaid representation dated 19.08.2019 shall be disposed of by the first respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order.

9. The proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven working days from the completion of aforesaid exercise.

10. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //



To

1.The District Collector,
Dindigul, Dindigul District.

2.The Director of Fisheries,
DMS, Teynampet,
Chennai - 600 006.

3.The Assistant Director of Fisheries,
Spencer's Compound, Near Bus Stand,
Dindigul District.

+1 CC to Spl.GP (SR-86559[F] dated 13/09/2019)

W.P (MD) No.19503 of 2019
12.09.2019
(2/5)

ps

MK (23.09.2019) 3P 5C