



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.01.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.1748 of 2020

and

W.M.P. (MD) No.1475 of 2020

S.Sethu Hariharan

... Petitioner

Vs.

1) The District Collector,
Tenkasi District,
Tenkasi.

2) The Executive Engineer,
Public Works Department.
Water Resources Division,
Chittar Basin Division, Tenkasi,
Tenkasi District.

3) The Assistant Engineer,
Public Works Department,
Water Resources Division,
Shengottai,
Tenkasi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to permit the petitioner to harvest fish from the Seevalaperi Kulam in Tenkasi Taluk, on the basis of the representation of the petitioner dated 03.01.2020.

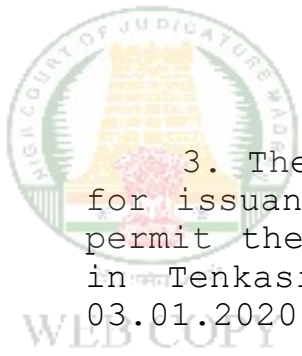
For Petitioner : Mr.B.Saravanan

For Respondents : Mr.Aayiram K. Selvakumar,
Additional Government Pleader.

O R D E R

Mr.Aayiram K. Selvakumar, learned Additional Government Pleader takes notice for the respondents.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.



3. The writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, to direct the respondents to permit the petitioner to harvest fish from the Seevalaperi Kulam in Tenkasi Taluk, on the basis of his representation, dated 03.01.2020.

4. The case of the petitioner is that, the petitioner's father was owning the right for fishing in the Seevalaperi Pond, Tenkasi by virtue of sale deed dated 18.07.1988. The third respondent issued an auction notification, dated 20.12.2019, at the instigation of the other respondents. Therefore, the petitioner had approached this Court by way of filing W.P.(MD) No.15514 of 2013 and this Court, by order dated 19.09.2013, had granted status-quo order in favour of the petitioner. The petitioner also filed a suit for injunction and declaration in O.S.No.241 of 2016 and the same was dismissed on 12.10.2017. Aggrieved over the same, the petitioner filed an appeal before the Principal Sub Court, Tenkasi in A.S.No.154 of 2017 and the same was also dismissed on 10.12.2019. In the meanwhile, the third respondent issued another notification for auction in the above said pond on 20.12.2019. Therefore, the petitioner made a representation to the respondents dated 03.01.2020 requesting not to proceed further in pursuance of the auction notification dated 20.12.2019. Till date, the respondents have not considered the representation of the petitioner and therefore, the petitioner has approached this Court by way of filing the present writ petition.

5. In view of the above, without expressing any opinion on the merits of the claim made by the petitioner, the second respondent is directed to consider the representation of the petitioner dated 03.01.2020 and pass appropriate orders on the same, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected W.M.P.(MD) No.1475 of 2020 is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1) The District Collector,
Tenkasi District,
Tenkasi.
- 2) The Executive Engineer,
Public Works Department.
Water Resources Division,
Chittar Basin Division, Tenkasi,
Tenkasi District.
- 3) The Assistant Engineer,
Public Works Department,
Water Resources Division,
Shengottai,
Tenkasi District.

+1 CC to M/s.SPL.GP (SR-3905[F] dated 30/01/2020)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-4035[F] dated 30/01/2020)

Order made in
W. P (MD) No. 1748 of 2020
Dated: 29.01.2020

AL(CO)
TR(03.02.2020) 3P 6C