



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.7988 of 2020

and

W.M.P. (MD)No.7429 of 2020

WEB COPY

T.Prabhakaran

... Petitioner

Vs.

1. State of Tamilnadu,
Represented by its Secretary,
Animal Husbandry Dairying and Fisheries (FS-6) Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Fisheries,
Fisheries Department,
DMS Campus, Admin Building,
Teynampet, Chennai - 600 006.
3. The Deputy Director of Fisheries,
Madurai Zone, Vanamamalai 2nd Street,
Bye Pass Road, Madurai - 18.
4. The Assistant Director of Fisheries,
(Inland Fishing) Fisheries Department,
Petchiamman Padithurai,
Madurai - 625 001.
5. The Assistant Engineer,
Public Works Department,
Periyar River Belt Section - 1,
T.Andipatti,
Madurai 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 grant the petitioner extension of fishing rights lease for a full period of one year from July 2020 - June 2021 in respect of Tenkarai Tank situated in Thenkarai Village, Vaadipatti Taluk, Madurai District by considering his representation dated 16.06.2020.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2.The petitioner was granted fishing rights in respect of the



petition mentioned kanmoi for the year 2016 - 2017. The petitioner's three year term expired on 30.06.2019. However, citing the fact that there was drought, the petitioner wanted extension of his lease period. He filed W.P.(MD)No.22463 of 2019 and the same was allowed on 13.11.2019. Unfortunately for the petitioner, instead of complying with the said order, the respondents herein filed W.A.(MD)No.220 of 2020. By order dated 20.02.2020, the writ appeal was allowed. Even this was complied with by the respondents only a few weeks later. On 16.03.2020, the third respondent herein issued proceedings in favour of the petitioner and the petitioner paid a sum of Rs.15,30,000/-.

3.The case of the petitioner is that after issuance of the aforesaid proceedings in his favour, the entire State came under lockdown in view of the outbreak of Covid-19 pandemic. The petitioner therefore seeks extension of the lease by one more year. He states that even though technically his lease was extended even for the period 2019 - 2020 and even though he had paid the lease amount, he could not enjoy the fruits thereof. He pointed out that the license was given in March, 2020 and from the third week of March, 2020, onwards the entire State has been under lockdown.

4.I indicated to the petitioner's counsel that I will not be in a position to grant the relief sought for in the writ petition.

5.Therefore, the petitioner's counsel submitted that the respondents can be directed to consider his request for refund of the amount by considering his representation.

6.No exception can be taken to this request. Therefore, the third respondent is directed to consider the petitioner's request for refund of the lease amount already paid by him in March, 2020. The petitioner's counsel states that representation had been given in this regard yesterday (ie., 15.09.2020) itself and sent through registered post. The third respondent will take a call in the matter on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of the representation. I make it clear that I have not gone into the merits of the matter.

7.The writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The Secretary,
Animal Husbandry Dairying and Fisheries (FS-6) Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Fisheries,
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Teynampet, Chennai - 600 006.
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5. The Assistant Engineer,
Public Works Department,
Periyar River Belt Section - 1,
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Madurai District.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-
17329[F] dated 17/09/2020)

W.P. (MD)No.7988 of 2020
15.09.2020

KB(21.09.2020) 3P 7C