



WEB COPY

W.P.(MD)No.12237 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12237 of 2019

and

W.M.P. (MD)No.9184 of 2019

M.Ramakrishnan

... Petitioner

Vs.

1.The Executive Engineer,
Public Works Department (WRO),
Mela Vaiparu Basin Division,
Rajapalayam, Virudhunagar District.

2.The Assistant Engineer,
Public Works Department (WRO),
Mela Vaiparu Basin Division,
Vasudevanallur,
Tirunelveli District.

... Respondents

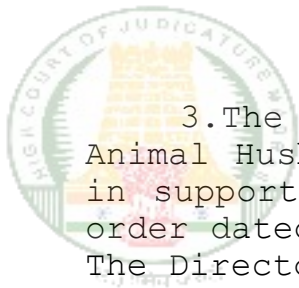
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend the lease period and grant fishing right to the Ilangulam Tank, Naranapuram Part-I Village, Tirunelveli District on payment of necessary charges under norms of the Public Works Department.

For Petitioner : Mr.Jospeh Thatheus Jerome
For Mr.S.Alagusundar
For Respondents : Mr.S.Angappan,
Government Advocate.

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents.

2.The petitioner states that he was the successful bidder for the petition mentioned tank in the auction held in February, 2018. The license period was one year. The petitioner had stated in the affidavit filed in support of the writ petition that due to various reasons, he could not harvest the fishlings. The petitioner's counsel states that the petitioner has given a representation dated 08.04.2019 seeking extension of the lease period. Though this writ petition was filed in May, 2019 and it is being taken for disposal only now, it appears that there has been no creation of thirty party rights and no fresh auction has been conducted in the meanwhile. Therefore, this writ petition cannot said to have become infructuous.



3.The petitioner's counsel places reliance on G.O.(Ms)No.332, Animal Husbandry and Fisheries (FS.IV) Department, dated 17.11.1993 in support of his contention. He also draws my attention to the order dated 04.10.2018 made in W.P.(MD)No.20634 of 2018 (P.Mokkai V. The Director of Fishers and Others).

4.Taking note of the submissions made by the learned counsel for the petitioner, I direct the first respondent to pass orders on the petition mentioned representation in the light of G.O.(Ms) No.332, dated 17.11.1993. Such an order will be passed within a period of four weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// 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 Executive Engineer,
Public Works Department (WRO),
Mela Vaiparu Basin Division,
Rajapalayam, Virudhunagar District.
2. The Assistant Engineer,
Public Works Department (WRO),
Mela Vaiparu Basin Division,
Vasudevanallur, Tirunelveli District.

+1 CC to M/s.GP (SR-16650[F] dated 11/09/2020)

W.P. (MD)No.12237 of 2019

10.09.2020

CS(14.09.2020) 2P 4C