



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.13354 of 2020

and W.M.P. (MD) No.11154 of 2020

(Through Video Conference)

S.Arumugam

... Petitioner

Vs

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Assistant Director of Fisheries,
Office of the Assistant Director of Fisheries,
Tirunelveli District.

3. The Executive Engineer,
Public Works Department,
Tambirabarani Basin Division,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to extend the lease period of the petitioner for further 6 months to harvest fish in Chathiram Pudukulam Pond, Tirunelveli Kodagan Canal Section, Tirunelveli District, on the basis of the petitioner's representation dated 10.09.2020 within a time frame fixed by this Court.

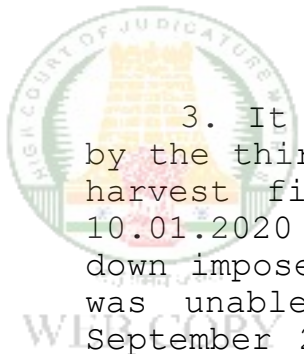
For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.M.Rajarajan,
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to extend the lease period granted to the petitioner to harvest fish, for a further period of six months in Chathiram Pudukulam Pond, Tirunelveli Kodagan Canal Section, Tirunelveli District, on the basis of the petitioner's representation dated 10.09.2020 within a time frame to be fixed by this Court.

2. Mr.M.Rajarajan, learned Additional Government Pleader accepts notice for the respondents. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.



3. It is the case of the petitioner that he was granted lease by the third respondent vide their communication dated 04.02.2020 to harvest fish in the aforementioned pond for the period between 10.01.2020 to 31.05.2020. It is his further case that, due to lock-down imposed by the Government, on account of COVID-19 pandemic, he was unable to harvest fish for the period from March 2020 to September 2020. In such circumstances, he has sought for extension of lease for a further period of six months and has given a representation on 10.09.2020. It is his case that despite the said representation, the same has not been considered by the respondents till date. In such circumstances, this writ petition has been filed.

4. Heard Mr.J.Jeyakumaran, learned counsel for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader appearing for the respondents.

5. The relief sought for by the petitioner is an innocuous relief. It is his case that he was unable to harvest fish in the aforementioned pond due to the lock-down imposed by the Government of Tamil Nadu during the COVID-19 pandemic. He has sought for extension of lease period by submitting a representation dated 10.09.2020 to the respondents. Admittedly, the said representation has not been considered by the third respondent till date.

6. For the forgoing reasons, this Court directs the third respondent to consider the petitioner's representation, dated 10.09.2020 seeking for extension of the lease period for a further period of six months to harvest fish in Chathiram Pudukulam Pond, Tirunelveli Kodagan Canal Section, Tirunelveli District and pass final orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.11154 of 2020 is closed.

Sd/-

Assistant Registrar (RTI)

// 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 District Collector,
Tirunelveli District,
Tirunelveli.
2. The Assistant Director of Fisheries,
Office of the Assistant Director of Fisheries,
Tirunelveli District.
3. The Executive Engineer,
Public Works Department,
Tambirabarani Basin Division,
Tirunelveli District.

+1 CC to M/s.GP (SR-24285[F] dated 07/12/2020)

Order made in
W.P. (MD) No.13354 of 2020
Dated:
01.12.2020

(KUN) CO
AP(28/12/2020) 3P 5C