



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.13468 of 2020

WEB COPY

Jelastin Babu

... Petitioner

Vs

1.The Assistant Director of Fisheries,
Fisheries Department,
Vadasery, Nagarcoil,
Kanyakumari District.

2.The Assistant Executive Engineer,
Public Works Department,
Thuckalay, Kanyakumari District.

3.The President,
Kanyakumari District Fishermen
Co-operative Federation Y23,
Nagarcoil, Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 18.08.2020 and grant permission to harvest the fishes from Puthukulam tank till May 2021.

For Petitioner : Mr.A.Balakrishnan

For Respondents : Mr.C.Ramar
Additional Government Pleader

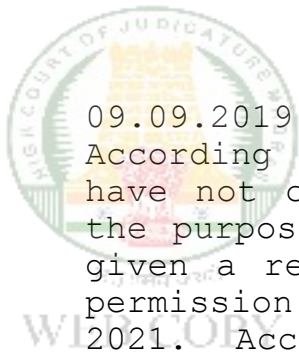
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 18.08.2020, seeking permission to harvest the fish from Puthukulam tank till May 2021.

2. Mr.C.Ramar, learned Additional Government Pleader, accepts notice on behalf of the respondents.

3. Heard Mr.A.Balakrishnan, learned counsel appearing for the petitioner and Mr.C.Ramar, learned Additional Government Pleader appearing for the respondents.

4. It is the case of the petitioner that he has been harvesting fish in the aforementioned tank from 09.09.2014 to



09.09.2019 under a lease agreement with the second respondent. According to him, even after the expiry of lease, the respondents have not conducted any fresh auction for leasing out the tank for the purpose of harvesting the fish. In such circumstances, he has given a representation dated 18.08.2020 to the respondents seeking permission to harvest the fish in the aforementioned tank till May 2021. According to him, till date, the said representation has not been duly considered by the respondents.

5. Mr.C.Ramar, learned Additional Government Pleader, appearing for the respondents would submit that the period of lease has already been expired as early as on 09.09.2019 and therefore, the representation of the petitioner seeking for permission to harvest the fish in the tank cannot be considered by the respondents.

6. However, it is the contention of the petitioner that ever since the expiry of the lease on 09.09.2019, no further auction has been conducted by the respondents. In such circumstances, no prejudice will be caused to the respondents, if the representation of the petitioner dated 18.08.2020, seeking permission to harvest the fish at Puthukulam tank till May 2021, is considered by the respondents on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 18.08.2020 seeking for permission to harvest the fish at Puthukulam Tank till May 2021 and pass final orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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 Assistant Director of Fisheries,
Fisheries Department,
Vadasery, Nagarcoil,
Kanyakumari District.

2.The Assistant Executive Engineer,
Public Works Department,
Thuckalay, Kanyakumari District.

3.The President,
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Co-operative Federation Y23,
Nagarcoil, Kanyakumari District.

+1 CC to SPL GP (SR-21495[F] dated 06/11/2020)

W.P. (MD) No.13468 of 2020
05.11.2020

VB (18.11.2020) 3P 5C