

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.03.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4138 of 2021

M.Vadivel

... Petitioner

Vs

1.The Assistant Director of Fisheries,
Inland Fisheries,
Dharmapuri,
Dharmapuri District.

2.The Commissioner,
Panchayat Union,
Kadathur Post,
Pappireddipatti Taluk,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to extend the lease period for the year 2020-2021 for fishing in Thenkaraikottai lake situated within Thenkaraikottai Village which is under the control of the 2nd respondent based upon the letter of recommendation in Na.Ka.No.2128/E/2015 dated 19.01.2021 made by the 1st petitioner and the representation of the petitioner dated 31.12.2020.

For petitioner : Mr.V.Elangovan

For respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a positive direction from this Court to direct the second respondent to extend the lease period for the year 2020-2021 for fishing in Thenkaraikotti lake situated within Thenkaraikottai Village, which is under the control of the second respondent, based upon the letter of recommendation dated 19.01.2021 made by the first respondent and the representation of the petitioner dated 31.12.2020.

2. The petitioner has sought for renewal of lease from the second respondent for fishing in the aforesaid lake. According to the petitioner, the first respondent has already recommended the case of the petitioner on 19.01.2021 for renewal of lease in his favour. Since, the second respondent has not renewed the lease in his favour, he has filed this Writ Petition under Article 226 of the Constitution of India.

3. A positive direction sought for in this Writ Petition cannot be granted by this Court. The learned counsel for the petitioner has also submitted on instructions that the petitioner is satisfied, if the representation of the petitioner dated 31.12.2020 seeking for renewal of fishing rights in the aforementioned lake, is considered by the second respondent on merits and in accordance with law, within a time frame to be fixed by this Court.

4. No prejudice will be caused to the respondents, if the petitioner's representation dated 31.12.2020 is considered on merits in accordance with law.

5. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 31.12.2020 seeking for renewal of lease period for the year 2020-2021 for fishing in Thenkaraikottai lake, which is under the control of the second respondent, based upon the letter of recommendation dated 19.01.2021 made by the first respondent and pass final orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, the Writ Petition is disposed of. No costs.

सत्यमेव जयते
Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

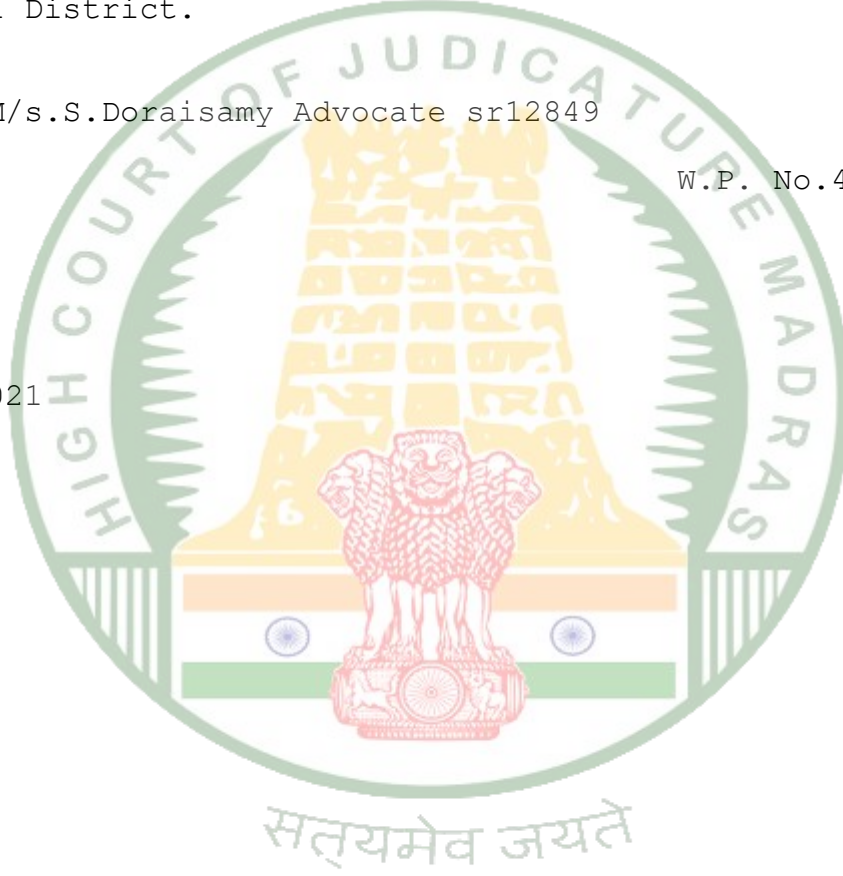
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Dharmapuri District.

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+1 cc to M/s.S.Doraisamy Advocate sr12849

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