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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO. 26369 of 2021

and

W.M.P.No.27839 of 2021

G. Palanivel

.....Petitioner

Vs

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2. The Executive Engineer,
Public Works Department,
Water Resources Department,
Middle Pennaiyar Basin Division,
Thiruvannamalai-606 603.

3. The Assistant Engineer,
Public Works Department,
Water Resources Department,
Kilpennathur Irrigation Section,
Thiruvannmalai-606 603.

.....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the order passed in Letter No.ka2/1706/2021 dated 16.11.2021 on the file of the second respondent herein and quash the same and consequently direct the respondents to extend the license/lease period for further period of six months to carry on fishing activities in the Kolathur Lake, Kilpennathur Taluk, Thiruvannamalai District.

For petitioner : Mr. C.Munusamy

For Respondents : Mrs. C. Sangamithirai,
Special Government Pleader



ORDER

The present petition has been filed seeking quashment of the impugned order dated 16.11.2021 passed by the 2nd respondent and a direction to the respondents to extend the license/lease period for further period of six months to carry on fishing activities.

2. The case of the petitioner is that the petitioner being a successful bidder in the tender called for by the 3rd respondent, was granted license for carrying fishing activities in the Kolathur Lake for a period of one year and had paid the entire lease amount of Rs.77,600/- (Rupees Seventy Seven Thousand Six Hundred Only). After obtaining necessary permission from the authorities concerned, the petitioner had started fish culture in the Kolathur lake for which, the petitioner had invested the amount to the tune of Rs.10,00,000/- (Rupees Ten Lakh only) apart from the lease amount. Thereafter, the petitioner could not continue his fishing activities due to COVID pandemic and heavy rainfall owing to cyclone. Therefore, the petitioner made a representation dated 15.11.2021 for the extension of lease period, however, the same was rejected by the 2nd respondent herein vide impugned order dated 16.11.2021. Hence, the petitioner has filed the present petition seeking quashment of the impugned order and also for extension of the lease period.

3. Learned counsel for the petitioner submits that the petitioner could not carry on the fishing activities due to drought and also in view of the pandemic, he could not repay the debt along with interest. Since, the usual period of lease is about one year, the petitioner made a representation dated 15.11.2021 to the 2nd respondent herein for extension of lease period. While being so, the 2nd respondent had passed an impugned order without any prior notice to the petitioner. Therefore, the present petition seeking quashment of the impugned order.

4. Learned Special Government Pleader for respondents submits that since lease period has expired on 30.06.2021, however, the petitioner has made a representation dated 15.11.2021, which is after a lapse of a period of five months. Such being the case, the claim of the petitioner in his representation for extension of lease period cannot be considered. Further, no material has been placed to show that the petitioner has not carried on the fishing activities. Hence,



the prayer in the present petition seeking quashment of the impugned order is not sustainable.

5. Heard the learned counsel on the either side and perused the materials available on record.

6. A careful perusal of the materials placed before this Court reveal that the period of lease expired on 30.06.2021, but, the petitioner has made his representation on 15.11.2021 after a lapse of five months. There is no whisper from the petitioner from the delayed representation. If really the petitioner had not carried on fishing, prudent warrants that the petitioner should have approached the respondents at the earliest point of time. There being no proper reason much less a reason assigned for the delayed representation, and the fact of default in payment of lease amount not being controverted, this Court is of the considered opinion that the relief sought for the petitioner cannot be granted.

7. Though the petitioner claims that usual period for lease is one year, there is no material placed before this Court to substantiate his claim. Further, the plea of the petitioner for non payment of the lease amount due to pandemic period cannot be a ground for quashing the impugned order. Therefore, this Court is not inclined to interfere with the order passed by the 2nd respondent and this Court cannot issue any affirmative direction to the respondents for grant of relief as sought for in the present petition. Hence, the present petition deserves to be dismissed.

8. Accordingly, this Writ Petition is dismissed with the above observation. No Costs. Consequently, the connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

NHS
To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.



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2. The Executive Engineer,
Public Works Department,
Water Resources Department,
Middle Pennaiyar Basin Division,
Thiruvannamalai-606 603.
3. The Assistant Engineer,
Public Works Department,
Water Resources Department,
Kilpennathur Irrigation Section,
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+1cc to the Government Pleader Sr.66610

W.P.NO.26369 of 2021

ksm[co]
srg 08/02/2022