



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2448 of 2021

and

W.M.P.(MD)Nos.2035 & 2036 of 2021

WEB COPY

S.Arumugam

... Petitioner

-Vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.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 Certiorarified Mandamus, to call for the records pertaining to the impugned order on the file of the third respondent in his proceedings in Letter No.U.PO/22M/KO.264/2021, dated 29.01.2021 and consequent auction notification in LETTER NO.KO.29/2020/U.PO, dated 27.01.2021 in respect of Chathiram Pudukulam Pond, Tirunelveli Kodagan Canal Section, Tirunelveli District and consequently, directing the third respondent to extend the lease period of the petitioner for further six months to harvest fish in Chathiram Pudukulam Pond, Tirunelveli Kodagan Canal Section, Tirunelveli District, within a time frame fixed by this Court .

For Petitioner	: Mr.J.Jeyakumaran
For Respondents	: Mrs.M.Rajeswari
	Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner was granted fishery rights by the third respondent vide order dated 20.01.2020. The license period was from

<https://hcservices.ecourts.gov.in/hcservices/>



02.01.2020 to 31.05.2020. The petitioner had paid a sum of Rs.74,000/- as license fee. The petitioner also claims to have invested about Rs.1,50,000/- for purchasing fish lings.

3.The specific case of the petitioner is that on account of COVID-19 pandemic and the consequent imposition of the lock down restrictions, he could not enjoy the fruits of the license during the period from 22.03.2020 to 31.05.2020. The petitioner therefore submitted representations seeking extension of time. When he approached this Court, this Court, vide order dated 01.12.2020 in W.P.(MD)No.13354 of 2020, directed the respondents to pass orders on the petitioner's request. Pursuant to the direction given by this Court, the impugned order dated 29.01.2021 has been passed rejecting the petitioner's request. In the mean while on 27.01.2021, a fresh tender notification has also been issued.

4.The learned counsel appearing for the petitioner challenges both the tender notification as well as the order rejecting his request on the ground set out in the affidavit filed in support of the writ petition.

5.Per contra, the learned Government Advocate submitted that the impugned orders do not call for any interference.

6.After carefully considering the rival contentions, I am of the view that the petitioner will have to work out his rights only before the jurisdictional civil Court. There are rival versions. The respondents strongly opposed the case of the petitioner. Therefore, this Court will not be justified in interfering with the move of the respondents to hold a fresh tender for the subsequent period. Whether the petitioner has a right to claim damages from the respondents is an issue, I leave open. Granting liberty to the petitioner to move the jurisdictional Court for appropriate relief of damages, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

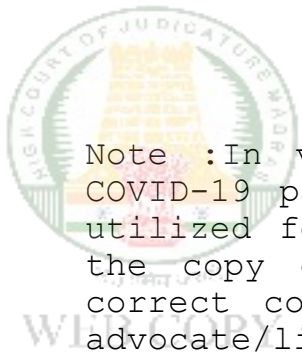
Assistant Registrar (AE)

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/ /2021

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

+1 CC to SPL GP (SR-4650[F] dated 12/02/2021)

W.P. (MD)No.2448 of 2021
10.02.2021

VB (22.02.2021) 3P 5C