



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8221 of 2021

David

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Executive Engineer,
Water Resource Organisation,
Vaipar Basin Division,
Virudhunagar District.

3.The Assistant Executive Engineer,
Water Resource Organisation,
Vaipar Basin Division,
Thoothukudi.

4.The Assistant Director - Fisheries Department,
Water Resource Organisation,
Vaipar Basin Division,
Thoothukudi.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation, dated 23.03.2021 to extend the lease granted in respect of the Kanmaai or lake managed by the Vilathikulam Vaipar Basin Sub Division in Thoothukudi District by 10 months on conditions as may be deemed appropriate by this Court.

For Petitioner : Mr.S.Loganathan

For Respondents : Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed for the issue of Writ of Mandamus, directing the respondents to consider the representation made by the petitioner, on 23.03.2021, wherein, the petitioner has sought for the extension of the licence given to him towards fishing rights.

2.Heard Mr.S.Loganathan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents.



3.The grievance of the petitioner is that his licence period came to an end, on 23.03.2021 and the petitioner in spite of investing a large amount towards harvesting the fishes, was not able to reap the benefits due to the pandemic situation. The petitioner therefore, wanted extension of the licence period. The representation made by the petitioner in this regard was not considered and therefore, the present writ petition has been filed before this Court.

4.The learned Government Advocate appearing on behalf of the respondents submitted that immediately after the licence period was over, the third respondent took steps to issue a Tender-cum-Auction for granting licence and the tender was given in favour of the highest bidder. However, since the highest bidder failed to deposit the tender amount, within time, the tender was cancelled. The learned Government Advocate further submitted that the respondents are taking steps to call for a new tender. It was further submitted that the petitioner is not entitled for any extension of licence period, more particularly, since the auction has already taken place for giving licence for the fishing rights.

5.Taking into consideration the facts and circumstances of the case and the decision taken by the respondents, the request made by the petitioner cannot be granted by this Court. However, it is left open to the third respondent to consider the representation made by the petitioner, on 23.03.2021 and take a decision as to whether the petitioner can be permitted to do fishing for a short period of time till the respondent proceeds to issue the fresh tender. This decision is completely left to the third respondent and the decision shall be conveyed to the petitioner. It will be always left open to the petitioner to participate in the fresh tender called for by the respondents.

6.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS III)

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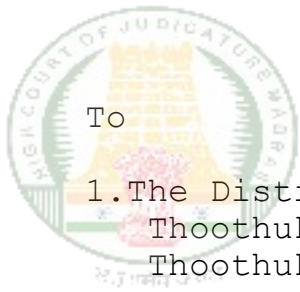
/ /2021

Sub Assistant Registrar(CS)

TM

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,
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Thoothukudi.

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Vaipar Basin Division,
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4.The Assistant Director - Fisheries Department,
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Thoothukudi.

+1 CC to M/s.S.LOGANATHAN, Advocate (SR-20779[F] dated 30/06/2021)

**W.P. (MD) .No.8221 of 2021
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KK(01.07.2021) 3P 6C