



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10497 of 2021

and

W.M.P. (MD) .No.8172 of 2021

(Through video conferencing)

T.Ramaiah

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi-627 811.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 0034.

3. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Chidambara Nagar,
Thoothukudi,
Thoothukudi District-628 008.

4.The Assistant Commissioner/Thakkar,
Hindu Religious and Charitable Endowments,
Main Road, Courtallam, Tenkasi District.

5.The Executive Officer,
Arulmigu Cauvery Ayyan Sastha Thirukovil,
Keezhapuliur,
Office at Kasi Vishwanathar Thirukovil,
Tenkasi-627 811.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for records relating to the impugned order passed by the 5th respondent in Na.Ka.No.95/2021/E5 dated 05.06.2021 as well as the subsequent public auction-cum-tender notification dated 14.06.2021 published in "Dinathanthi" Tamil daily on 16.06.2021 by the respondents 4 & 5 and quash the same and further directing the respondents 2 to 5 to extend the period of lease of fishery right relating to the Puliur Periyakulam in Survey No.217/1A & 1B,



Keezhapuliyur Village, Tenkasi Taluk, Tenkasi District for a further period of one year without insisting for further lease amount.

For Petitioner : Mr.M.P.Senthil
For Respondent Nos.1 to 4 : Mr.R.Suresh Kumar
Government Advocate

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For Respondent No.5 : Mr.M.Muthugeethayan

ORDER

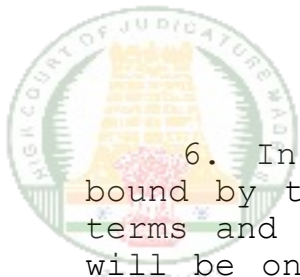
This writ petition has been filed challenging the impugned proceedings of the 5th respondent dated 05.06.2021 and the consequent public auction-cum-tender notification dated 14.06.2021.

2. The case of the petitioner is that he was the successful bidder in the earlier auction-cum-tender that was conducted by the 5th respondent and the fishery rights were granted in the tank belonging to the 5th respondent. The further case of the petitioner is that due to the Pandemic situation, the petitioner was not able to harvest the entire fish from the tank. Hence, the petitioner made a representation on 04.06.2021 seeking for extension of lease period for one more year. The same came to be rejected by the 5th respondent by proceedings dated 05.06.2021. Thereafter the 4th and 5th respondents have proceeded to issue the auction-cum-tender notice for the period from 01.07.2021 to 30.06.2022. Aggrieved by the same, the present writ petition has been filed before this Court.

3. The 5th respondent has filed a counter affidavit in this case. It is stated in the counter affidavit that the terms and conditions of the tender notification dated 01.07.2020 and particularly Clause 15 makes it very clear that on the expiry of the period on 30.06.2021, the petitioner will not have the right to claim for any extension and the petitioner is bound by the same. A further stand has been taken in the counter to the effect that the representation made by the petitioner was considered by the 5th respondent and the 5th respondent has come to the conclusion that the lease period cannot be extended beyond 30.06.2021 and there is absolutely no ground to interfere with the same. It is further stated that as per the Rules, there cannot be an extension of the lease period and the auction has to be conducted every year.

4. Heard Mr.M.P.Senthil, learned counsel appearing on behalf of the petitioner, Mr.R.Suresh Kumar, learned Government Advocate appearing on behalf of the respondents 1 to 4 and Mr.M.Muthugeethayan, learned counsel appearing on behalf of the 5th respondent.

5. This Court has carefully considered the submissions made on either side and the materials available on record.



6. In the considered view of this Court, the petitioner is bound by the terms and conditions of auction and Clause 15 of the terms and conditions categorically states that the period of lease will be only from 01.07.2020 to 30.06.2021 and thereafter, it will not be extended. It is also made clear that under no circumstances, the petitioner can seek for any exemption or waiver or extension of period. Once the petitioner has accepted for this condition, he does not have any legal right to seek for extension of the lease period. Therefore, this Court does not find any ground to interfere with the proceedings of the 5th respondent.

7. The 5th respondent will have to augment income for the temple and therefore the 5th respondent has decided to proceed further with the auction-cum-tender notification. It is left open to the petitioner to participate in the auction and submit his bid. Beyond that, this Court cannot pass any further orders and this Court also does not find any ground to interfere with the proceedings of the 5th respondent.

8. This writ petition is disposed of accordingly. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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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Main Road, Courtallam,
Tenkasi District.

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-20474[F] dated 28/06/2021)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-20596[F] dated 29/06/2021)

+1 CC to M/s.SPL GP (SR-20705[F] dated 30/06/2021)

**W.P. (MD) .No.10497 of 2021
28.06.2021**

TP (CO)
TR(08.07.2021) 4P 8C