



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10706 of 2021

and

W.M.P. (MD) .Nos.8332 & 8334 of 2021

P.Pandiaraj

... Petitioner

Vs.

1. The Executive Engineer,
Public Works Department,
Upper Vaipar Irrigation Division,
Water Resources Department,
Rajapalayam, Virudhunagar District.
 2. The Assistant Executive Engineer,
Public Works Department,
Upper Vaipar Irrigation Division,
Water Resources Department,
Sattur Road, Opposite to District Court Complex,
Srivilliputtur-626 125.
 3. The Junior Engineer,
Public Works Department,
Upper Vaipar Irrigation Division,
Water Resources Department,
Sattur Road, Opposite to District Court Complex,
Srivilliputtur-626 125.
- ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to permit the petitioner to enjoy the fishery right of the Valaikulam Tank, situated in Valaikulam Revenue Village, Srivilliputtur Taluk, Virudhunagar District, for a further period from 01.07.2021, subject to the payment of the lease amount etc., as claimed in the representation, dated 12.06.2021, within a time to be stipulated by this Court.

For Petitioner : Mr.A.Sivaji

For Respondents : Mr.R.Suresh Kumar
Government Advocate



ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider the representation made by the petitioner on 12.06.2021, wherein, the petitioner has sought for extension of the lease period to continue with the fishing right at Valaikulam Tank, situated in Valaikulam Revenue Village, Srivilliputtur Taluk, Virudhunagar District.

2. The case of the petitioner is that he was given a fishing right by the respondent and the period is coming to an end on 30.06.2021. According to the petitioner, he has invested huge amounts of money for purchasing the fishing seeds. However, due to heavy rain, the water level increased and there was overflow of water and therefore, the petitioner was not able to do any fishing. That apart, due to the pandemic situation, the petitioner was not able to take the services of his staff and virtually, the entire operation was stalled.

3. In view of the above, the petitioner made a representation to the respondents on 12.06.2021 seeking for extension of the lease period. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.A.Sivaji, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the first respondent to consider the representation made by the petitioner on 12.06.2021 and take a decision within a period of two (2) weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



tsg

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 Executive Engineer,
Public Works Department,
Upper Vaipar Irrigation Division,
Water Resources Department,
Rajapalayam, Virudhunagar District.
2. The Assistant Executive Engineer,
Public Works Department,
Upper Vaipar Irrigation Division,
Water Resources Department,
Sattur Road, Opposite to District Court Complex,
Srivilliputtur-626 125.
3. The Junior Engineer,
Public Works Department,
Upper Vaipar Irrigation Division,
Water Resources Department,
Sattur Road, Opposite to District Court Complex,
Srivilliputtur-626 125.

+1 CC to MR.A.SIVAJI, Advocate (SR-20608[F] dated 30/06/2021)

+1 CC to SPL GP (SR-20761[F] dated 30/06/2021)

Order made in
W.P. (MD) .No.10706 of 2021
Dated :
29.06.2021

—

KM(01.07.2021) 3P 6C