



WEB COPY

W.A.(MD)No.1405 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1405 of 2021

and

C.M.P (MD) .No.5816 of 2021

V.David

... Appellant/Petitioner

Vs.

1. The District Collector,
Tuticorin, Tuticorin District.

2. The Executive Engineer,
Water Resources Organization,
Vaipar Basin Division,
Virudhunagar District.

3. The Assistant Executive Engineer,
Water Resources Organization,
Vaipar Basin Division,
Virudhunagar District.

4. The Assistant Director - Fisheries Department,
Water Resources Organization,
Vaipar Basin Division,
Virudhunagar District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.8221 of 2021, dated 30.06.2021.

Prayer in WP(MD) . 8221/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus or order or direction directing the 1st respondent to consider the petitioners 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 condition as may be deemed appropriate by this honorable court and pass any or other or order as this court may deem fit and proper and thus render justice.



For Appellant

: Mr.J.Jeyakumaran

For Respondents

: Mr.R.Baskaran

Standing Counsel for Government
for R1 to R4

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J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.J.Jeyakumaran, learned counsel appearing for the appellant and Mr.R.Baskaran, learned Government Counsel appearing for the respondents 1 to 4.

2. The appellant is the writ petitioner, who sought for issuance of a Writ of Mandamus to direct the first respondent to consider his representation dated 23.03.2021 to extend the lease in respect of the Kanmai in Thoothukudi District for a period of ten months. The reason for filing this writ petition is that on account of the pandemic, the appellant was unable to enjoy the rights granted to him pursuant to the tender.

3. Mr.R.Baskaran, learned Government Counsel appearing for the respondents has produced a copy of communication sent by the third respondent to the appellant dated 12.07.2021, by which, the request made by the appellant for extension of license period has been rejected. Furthermore, fresh auction was conducted for the period 2021 to 2022 and it was cancelled and re-auction is scheduled to be held on 23.07.2021.

4. Furthermore, the writ petitioner has also filed another writ petition in W.P(MD).No.13242 of 2021, to quash the notice issued by the fifth respondent dated 07.06.2021 and to consider his representation. The said writ petition was disposed of by order dated 29.06.2021 by recording the submissions of the learned Government Counsel that the auction was held on 16.06.2021 and since the bid amount was not deposited by the highest bidder, the auction itself was cancelled. Therefore, the writ petition was disposed of by directing the respondents to proceed further to issue a fresh notification in accordance with the Rules and grant the fishing rights.

5. In the light of the above, we are not inclined to interfere with the impugned order, however, as stated by the third respondent in the communication dated 12.07.2021, we leave it open to the appellant to participate in the re-auction, which is scheduled to be held on 23.07.2021 or any other subsequent date.



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6. Accordingly, this **writ petition is dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

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,
Tuticorin, Tuticorin District.
2. The Executive Engineer,
Water Resources Organization,
Vaipar Basin Division,
Virudhunagar District.
3. The Assistant Executive Engineer,
Water Resources Organization,
Vaipar Basin Division,
Virudhunagar District.
4. The Assistant Director - Fisheries Department,
Water Resources Organization,
Vaipar Basin Division,
Virudhunagar District.

+1 CC to M/s.GP (SR-23346[F] dated 20/07/2021)

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19.07.2021

RK (26.07.2021) 3P 6C