



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.12988 of 2021

WEB COPY

D.Albert Thangadurai

... Petitioner

vs.

1)The District Collector,
Thanjavur District,
Thanjavur.

2)The Assistant Director of Fisheries (Marine),
Department of Fisheries,
Thanjavur,
Thanjavur District.

3)The Special Officer/Block Development Officer,
Pudupattinam Panchayat,
Thanjavur.

4)The Panchayat President,
Panchayat Office,
Pudupattinam Panchayat,
Thanjavur.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to extend the petitioner's lease over the fishery right in Korikulam Tank, Pudupattinam Panchayat, Thanjavur for a period of five years by following Rule 11 of the Tamil Nadu Panchayat (Lease & Licensing of Fishery Rights in Water Sources vested and Regulated by Village Panchayats and Panchayat Union Councils) Rules 1999, from 01.07.2020 by considering the petitioner's representation dated 10.03.2021.

For Petitioner	: Mr.M.P.Senthil
For R1 & R2	: Mr.R.Suresh Kumar, Government Advocate
For R3 & R4	: Mr.P.Thilakar, Government Advocate

ORDER

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the respondents to extend the petitioner's lease over the fishery right in Korikulam Tank, Pudupattinam Panchayat, Thanjavur for a period of five years by following Rule 11 of the Tamil Nadu Panchayat (Lease & Licensing of Fishery Rights in Water Sources vested and Regulated by Village Panchayats and Panchayat Union Councils) Rules 1999, from 01.07.2020



by considering the petitioner's representation dated 10.03.2021.

2.The learned counsel for the petitioner would state that in the auction-cum-tender conducted by the 4th respondent on 16.07.2020, for leasing out the fishery rights in Korikulam Tank, Pudupattinam Panchayat, Thanjavur, for the period from 01.07.2020 to 30.06.2021, the petitioner became the successful bidder on payment of the lease amount of Rs.1,17,317/-. He would further state after taking lease, the petitioner have let in lot of fish seeds for fertilization by investing considerable amount, but in view of Covid-19 pandemic from March 2021, no fish vendors were ready to buy fish and from April 2021, due to Covid-19 lockdown, he was completely prevented from harvesting fish. Thus, he made a representation dated 10.03.2021 for extending the lease period from 01.07.2020 for five years as per Rule 11 of the Tamil Nadu Panchayat (Lease & Licensing of Fishery Rights in Water Sources vested and Regulated by Village Panchayats and Panchayat Union Councils) Rules 1999. According to the petitioner, till date, he continues to enjoy the lease and the 4th respondent ought to have passed necessary orders for extension of lease and the petitioner is also ready to pay the enhanced lease amount of 10% over the lease amount of the previous year. Though the 4th respondent has acknowledged the said representation on 12.03.2021 itself, no order was passed. Hence, this writ petition.

3.The learned Government Advocate appearing for the respondents 3 and 4 would state that the 4th respondent will dispose of the petitioner's representation dated 10.03.2021 within a time frame to be fixed by this Court.

4.Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents.

5.Considering the facts and circumstances of the case and without advertting to the merits of the case, the 4th respondent is directed to consider and pass orders on the petitioner's representation dated 10.03.2021 within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

bala/tm



To

1) The District Collector,
Thanjavur District,
Thanjavur.

2) The Assistant Director of Fisheries (Marine),
Department of Fisheries,
Thanjavur,
Thanjavur District.

3) The Special Officer/Block Development Officer,
Pudupattinam Panchayat,
Thanjavur.

4) The Panchayat President,
Panchayat Office,
Pudupattinam Panchayat,
Thanjavur.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-24820[F] dated 30/07/2021)

+1 CC to M/s.SPL GP (SR-24728[F] dated 30/07/2021)

W.P(MD)No.12988 of 2021

DATED : 29.07.2021

RD(11.08.2021) 3P 7C