



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2021

CORAM

THE HON'BLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

WEB COPY

W.P. (MD) No.13379 of 2021

and

W.M.P. (MD) No.10341 of 2021

P.Shyamkarthik

... Petitioner

Vs.

1.The Commissioner of Fisheries and
Fishermen Welfare,
Integrated Office for Animal Husbandry and
Fisheries Department,
Nandanam, Chennai - 600 035.

2. The Director of Fisheries,
Integrated Animal Husbandry and
Fisheries Buildings,
Nandanam,
Chennai - 600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents consider the representation of the petitioner dated 07.07.2021 for extension of lease for a period of one year with waiver of lease amount applying the G.O.(Ms) No.15, Animal Husbandry Dairying and Fisheries (FS-5) Department dated 29.01.2020.

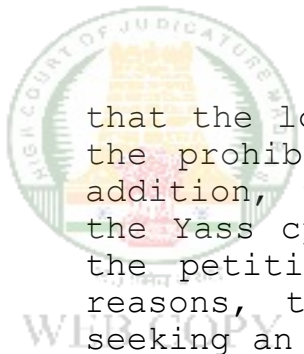
For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.R.Baskaran
Counsel for State

O R D E R

The petitioner seeks extension of the fishery rights lease for a period of one year and waiver of lease amount by applying G.O.Ms.No.15, Animal Husbandry Dairying and Fisheries (FS-5) Department, dated 29.01.2020.

2. The petitioner states that a lease deed was executed in his favour for exercising fishing rights at Perunchani Reservoir at Kanyakumari District for the period between 31.08.2018 and 30.08.2021. He states that he was required to pay a sum of about Rs.17.65 Lakhs for the first year and a 10% increase on the previous years lease amount in the succeeding years. The petitioner states



that the lock down as a result of the COVID-19 pandemic resulted in the prohibition or severe restriction on fishing activities. In addition, the entire Kanyakumari District was greatly affected by the Yass cyclone and Tauktie Cyclone. In view of the inability of the petitioner to undertake fishing activities for the aforesaid reasons, the petitioner submitted a representation on 07.07.2021 seeking an extension of lease by one year and also for waiver of the lease amount.

3. The learned counsel for the petitioner relies upon G.O.Ms.No.15 which enables the Regional Joint Director of Fisheries to extend the lease by one year upon approval by the relevant District Collector. He also refers to an earlier Government order and claims that such Government Order also provides for waiver of the lease rentals during the period when the lessee concerned was affected by drought or any other calamity.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the decision with regard to extension of lease or waiver of lease rental is a policy decision which would be taken as regards affected persons without discrimination.

5. As correctly pointed out by learned counsel for the State, the decision to grant extension of lease or waiver of lease rentals cannot be done merely because a particular individual has applied for the same. Such decisions are required to be taken by the State at a policy level and applied to all persons, who are similarly situated, without any discrimination.

6. Subject to the above observations and without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 07.07.2021 and dispose of the same by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity of hearing to the petitioner.

7. W.P.(MD).No.13379 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.10341 of 2021 is closed.

Sd/-

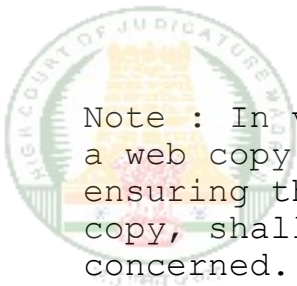
Assistant Registrar (A.D.II)

// 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.

WEB COPY

To

1.The Commissioner of Fisheries and
Fishermen Welfare,
Integrated Office for Animal Husbandry and
Fisheries Department,
Nandanam, Chennai - 600 035.

2. The Director of Fisheries,
Integrated Animal Husbandry and
Fisheries Buildings,
Nandanam,
Chennai - 600 035.

+1 CC to M/s.GP (SR-25355[F] dated 05/08/2021)

+1 CC to M/s.V.O.S.KALAISELVAM, Advocate (SR-25323[F] dated 05/08/2021)

W.P. (MD) .No.13379 of 2021
04.08.2021

RD(11.08.2021) 3P 5C