



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13381 of 2020

and

W.M.P.(MD)No.11165 of 2020

WEB COPY

V.Packiaraj

... Petitioner

Vs

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Assistant Director of Fisheries
Office of the Assistant Director of Fisheries,
Tirunelveli District.

3.The Assistant Engineer,
Public Works Department,
Tirunelveli Cannel Section
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in his proceedings in Letter No.KO.24/2020/U.PO.(Thi)/dated, 26.08.2020 and set aside the same as illegal and consequently, directing the respondents to permit and extent the time of the petitioner's lease period preferably within a period of six months to harvest the fish in Nainarkulam Road, Tirunelveli District.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.M.Rajarajan

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The case of the petitioner is that he was granted license to harvest fish in the petition mentioned tank vide proceedings dated 20.02.2020. The petitioner has paid a sum of Rs.10,35,000/- towards license fee. In terms of the said license, the petitioner was to have possession of the tank till 30.06.2020. The petitioner claims to have spent several lakhs of rupees towards purchase and planting of fish lings. He states that only during summer period namely in April and May, the licensees can harvest fish. Due to intervention of COVID-19 and imposition of severe lock down restriction, the petitioner was not able to access the water body. The respondents



have admittedly taken possession of Kanmoi after June 2020. The petitioner citing the aforesaid difficulty sought extension of the lease period. The said request was rejected by the impugned order and the same is to be challenged in the writ petition.

3.The impugned order merely refers to the period of license and proceeds to reject the petitioner's claim. There is no reference to case for extension projected by the petitioner. The petitioner's specific case is that on account of lock down restrictions, he could not even access the water body.

4.Therefore, I am satisfied that the impugned order has to be quashed on account of non consideration of the petitioner's case. It is accordingly quashed. In the mean while, the District Collector, Tirunelveli, has written a letter to the respondents 2 and 3 to consider the petitioner's case vide communication bearing X.K.c.3/21784/2020 dated 08.09.2020. The third respondent is directed to reconsider the issue on merits and in accordance with law and pass final orders within a period of four weeks from the date of receipt of a copy of this order. The matter is thus remanded to the file of the third respondent. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

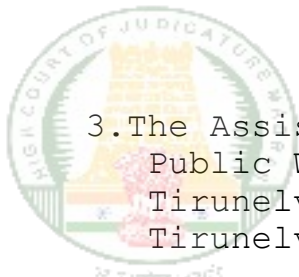
rmi

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,
Tirunelveli,
Tirunelveli District.

2.The Assistant Director of Fisheries
Office of the Assistant Director of Fisheries,
Tirunelveli District.



3.The Assistant Engineer,
Public Works Department,
Tirunelveli Cannel Section
Tirunelveli District.

+1 CC to M/s.J,JEYA KUMARAN, Advocate (SR-510[F] dated 07/01/2021)

+1 CC to M/s.SPL GP (SR-670[F] dated 08/01/2021)

W.P. (MD) No.13381 of 2020
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KB(11.01.2021) 3P 6C