



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.14571 of 2021

and

W.M.P(MD).No.11504 of 2021

WEB COPY

M.Ramakrishnan

... Petitioner

Vs.

1. The Executive Engineer,
Public Works Department (WRO),
Mela Vaiparu Basin Division,
Virudhunagar District.
2. The Assistant Engineer,
Public Works Department (WRO),
Mela Vaiparu Basin Division,
Vasudevanallur, Tenkasi District.
3. The Assistant Director,
Fisheries and Fishermen Welfare,
Tirunelveli.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to extend the fishery rights lease for further period of 5 years as per G.O.Ms.No.332, Animal Husbandry and Fisheries (FS-IV) Department, dated 17.11.1993 in respect of Periyaparaikulam Tank, Narnapuram Village, Sivagiri Taluk, Tenkasi District based on the petitioner's representation dated 08.06.2021.

For Petitioner : Mr.S.Alagusundar

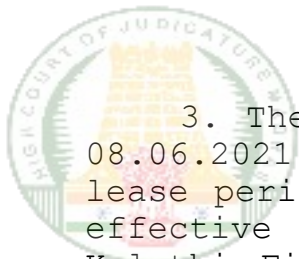
For Respondents : Mr.P.Subbaraj, Counsel for the State.

O R D E R

The petitioner seeks an extension of fishing rights in Periyaparaikulam, Narnapuram Village, Sivagiri Taluk, Tenkasi District.

2. The petitioner was the successful bidder and was granted a lease in the year 2018. It is stated that such lease period expired sometime in 2021. The petitioner relies upon G.O.Ms.No.332, Animal Husbandry and Fisheries (FS-IV) Department, dated 17.11.1993 and, in particular, on paragraph No.4(i) thereof which provides as under:

*"All fishery lease shall be for a period of 5 years.
Annual leases should not be resorted to;"*



3. The petitioner states that he submitted a representation on 08.06.2021 to the respondents herein requesting them to extend the lease period and also pointing out that he was unable to undertake effective fishing activities due to the presence of the African Keluthi Fish in the relevant tank. While the report of the third respondent on 02.07.2021 addressed the issue relating to African Keluthi Fish, the request for extension was not acted upon. The present writ petition is filed in the said facts and circumstances.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents. He states that the first and second respondents are the appropriate authorities to consider the petitioner's request for extension and that such authorities may be directed to dispose of the petitioner's representation on merits.

5. Although the petitioner relies upon G.O.Ms.No.332, which specifies a lease period of five years, it is not known whether such Government order was superseded by a subsequent Government order. Nonetheless, the petitioner's representation should be considered and disposed of expeditiously.

6. Accordingly, without going into the merits of the matter, the first and second respondents herein are directed to consider the petitioner's representation dated 08.06.2021 and dispose of the same by a reasoned order within a period of six weeks from the date of receipt of a copy of this order. Before passing such reasoned order, a reasonable opportunity may be provided to the petitioner.

7. W.P(MD).No.14571 of 2021 is disposed of without any order as to costs. Consequently, connected W.M.P(MD).No.11504 of 2021 is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

1. The Executive Engineer,
Public Works Department (WRO),
Mela Vaiparu Basin Division,
Virudhunagar District.
2. The Assistant Engineer,
Public Works Department (WRO),
Mela Vaiparu Basin Division,
Vasudevanallur, Tenkasi District.



3. The Assistant Director,
Fisheries and Fishermen Welfare,
Tirunelveli.

+1 CC to M/s.GP (SR-26643[F] dated 18/08/2021)

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MGJ(25.08.2021) 3P 5C