



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16320 of 2021

and

W.M.P.(MD).No.13177 of 2021

WEB COPY

K.Alaguraja

... Petitioner

Vs.

1.The Deputy Director of Fisheries,
Department of Fisheries,
Duraismy Nagar II Main Road,
Bye-Pass Road,
Madurai-625016.

2.The Assistant Director of Fisheries,
Department of Fisheries,
74-A, West Ponnagaram 6th Street,
Madurai 625016.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider petitioner's representation dated 19.08.2021 and extent the time for paying auction amount for the pasali year 2021-2022.

For Petitioner : Mr.M.S.Senthil Kumar
For Respondents : Mr.K.S.Selvaganesan
Counsel for the State

ORDER

The petitioner seeks an extension of time to pay licence fee as per the representation dated 19.08.2021.

2.The petitioner states that he was the highest bidder at an auction held in relation to a licence to grow fishes in a particular water body in the relevant village. Therefore, the petitioner was granted a licence for the period 2020-2023. The amount payable for the first year of such licence period was remitted by the petitioner. Such first year ended on 31.07.2021. As regards the second year, the licence fee was to be paid on or before 31.07.2021. On account of the lock down caused by the second wave of the pandemic as also illness, the petitioner orally requested for an extension of time. Pursuant to such request, by communication dated 03.08.2021, the petitioner was called upon to pay the licence fee for the second year on or before 06.08.2021. In the event of default, the petitioner was informed that the licence would be



cancelled and the security deposit forfeited. After submitting a further representation dated 19.08.2021, the present writ petition is filed.

3.Mr.K.S.Selvaganesan, learned counsel for the State, accepts notice on behalf of both the respondents. On instructions, he submits that the respondents have not taken steps as on date for the conduct of a re-auction. Therefore, he submits that the respondents may be directed to consider the petitioner's representation and dispose of the same on merits.

4.The licence granted to the petitioner is for a period of three years commencing from the year 2020-2021 and ending in the year 2022-2023. The terms of such licence clearly stipulate the last date by which the licence fee for the subsequent years should be remitted. The petitioner has made representations for an extension of time in this regard by citing the lock down caused by the Covid-19 pandemic as also the petitioner's ill-health. Upon consideration thereof, an extension has been granted until 06.08.2021. The petitioner seeks a further 15 days' time.

5.The decision as to whether an extension should be granted and, if so, the number of days of extension is a matter to be decided by the respondents. Nevertheless, the unprecedented nature of the Covid-19 pandemic and the crisis caused thereby should be taken into account while taking a decision in the matter. In this regard, it is also significant to note that no re-auction has taken place as on date.

6.For the reasons set out above, the second respondent herein is directed to consider the petitioner's representation dated 19.08.2021 and dispose of the same by a reasoned order after taking into account the observations in this order. Such reasoned order shall be issued within a period of 30 days from the date of receipt of a copy of this order.

7.W.P.(MD).No.16320 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P.(MD).No.13177 of 2021 is closed.

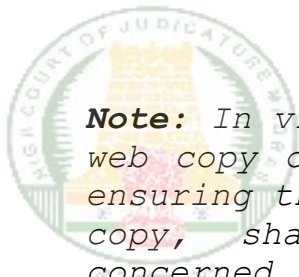
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Deputy Director of Fisheries,
Department of Fisheries,
Duraishamy Nagar II Main Road,
Bye-Pass Road,
Madurai-625016.
- 2.The Assistant Director of Fisheries,
Department of Fisheries,
74-A, West Ponnagaram 6th Street,
Madurai 625016.

+1 CC to M/s.M.S.SENTHIL KUMAR, Advocate (SR-29388[F] dated 16/09/2021)

+1 CC to M/s.SPL. GP (SR-29114[F] dated 15/09/2021)

W.P(MD).No.16320 of 2021

and

W.M.P. (MD) .No.13177 of 2021

14.09.2021

RS (22.09.2021) 3P 5C