



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17437 of 2021

and

W.M.P.(MD)Nos.14311 and 14312 of 2021

P.Panidyaraj

... Petitioner

Vs.

1.The District Collector cum

The Chairman of Fisheries Development Agency,
Virudhunagar District, Virudhunagar.

2.The Assistant Director of Fisheries,

District Fisheries Development Agency,
Virudhunagar District, Virudhunagar.

3.The Executive Engineer,

Public Works Department,
Upper Vaipar Irrigation Division,
Water Resources Department,
Rajapalayam, Virudhunagar District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the third respondent in Kaa.No.T2/317/2021, dated 12.07.2021 and of the original tender notice issued by respondents 1 and 2 in Vey.Aa.No.111/Say.Ma.Thoo.A/21/Virudhunagar dated 19.09.2021 and quash the same as illegal and consequently direct the respondents to extend the period of lease period of petitioner's fishery rights in Vahaikulam Tank, Srivilliputhur Taluk, Virudhunagar District.

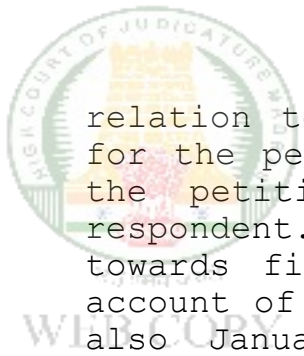
For Petitioner : Mr.I.Velpradeep

For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner challenges an order dated 12.07.2021 by which his request for extension of licence was rejected, and a consequential tender notice dated 19.09.2021.

2.The petitioner applied for and was granted a licence in



relation to fishing rights at the Vahaikulam Tank, Srivilliputhur for the period 03.08.2020 to 30.06.2021. In connection therewith, the petitioner remitted a sum of Rs.1,34,310/- to the third respondent. The petitioner states that he incurred heavy expenditure towards fish seedlings but was unable to derive much revenue on account of the heavy rainfall during the months of December 2020 as also January and February 2021. In these circumstances, the petitioner requested for an extension of the licence. W.P.(MD) No.10706 of 2021 was filed in such regard and the said writ petition was disposed of by directing the third respondent to consider and dispose of the petitioner's representation within two weeks. By impugned order dated 12.07.2021, the third respondent refused to extend the licence period. Pursuant thereto, the impugned tender notice was issued.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the licence period admittedly expired in June 2021. As regards the request for extension, he states that such request was duly considered and rejected by order dated 12.07.2021. He also submits that the petitioner may participate in the ensuing auction, if he intends to do so.

4.The facts on record indicate conclusively that the original licence period ended on 30.06.2021. The petitioner has cited the heavy rainfall during the months of December 2020 to February 2021 as the reason for requesting for an extension. Any licensee for a fishing rights licence should anticipate rainfall. There is nothing to indicate that such rainfall was beyond reasonable foreseeability. In such circumstances, the impugned order dated 12.07.2021 by which the request for extension was rejected does not contain any infirmity. Indeed, by the said impugned order, it was indicated that the petitioner may participate in the fresh auction.

5.Accordingly, the petitioner has failed to make out a case to interfere with either the impugned order dated 12.07.2021 or the auction notice dated 19.09.2021. Consequently, W.P.(MD)No.17437 of 2021 is disposed of without any order as to costs by leaving it open to the petitioner to participate at the auction in respect of fishing rights, which is scheduled to take place on 01.10.2021. Consequently, W.M.P.(MD)Nos.14311 and 14312 of 2021 are closed.

Sd/-

Assistant Registrar (CS-II)

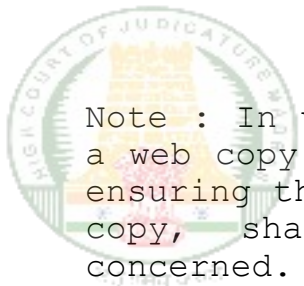
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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.

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To

- 1.The District Collector cum
The Chairman of Fisheries Development Agency,
Virudhunagar District, Virudhunagar.
- 2.The Assistant Director of Fisheries,
District Fisheries Development Agency,
Virudhunagar District, Virudhunagar.
- 3.The Executive Engineer,
Public Works Department,
Upper Vaipar Irrigation Division,
Water Resources Department,
Rajapalayam, Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-30598[F] dated 29/09/2021)

W.P (MD) .No.17437 of 2021
28.09.2021

RD(7.10.2021) 3P 5C