

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.5676 of 2022

FMR-29 Kolathur Union Inland Fishermen

Co-operative Society,
Represented by its President
A. Perumal

...Petitioner

vs.

1.The Director of Fisheries,
Fishers Department,
Chennai.

2.The District Collector,
Salem District,
Salem.

3.The Executive Engineer,
Public Works Department,
Water Resource Organization,
Mettur Dam Division,
Mettur Dam - 1.

4.The Assistant Engineer,
Water Resource Department,
Kolathur Division,
Mettur Dam - 1.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd and 4th respondent to grant extension of fishing lease of the petitioner's Society for one more year 2021-2022 i.e., up to June 2022 at Sivilikaradu Lake (Tharkadu) and Kothaneri Lake (Neethipuram), Mettur Taluk, Salem District pursuant to the petitioner's representation dated 11.02.2022.

For petitioner : Mr.C. Deepak Kumar

For respondents : Mr.Arun V.
Additional Advocate General,
Assisted by
Mr.T.N.C. Kausik,
Addl. Govt. Pleader for R1, R3 & R4

Mr.K.H. Ravikumar,
Govt. Advocate for R2

ORDER

This writ petition has been filed for a Mandamus seeking extension of fishing lease granted to the petitioner Society for a further period of one more year 2021-2022 i.e., up to June 2022 at Sivilikaradu Lake (Tharkadu) and Kothaneri Lake (Neethipuram), Mettur Taluk, Salem District pursuant to the petitioner's representation dated 11.02.2022.

2. The petitioner's fishing lease granted by the 3rd respondent came to an end on 30.06.2021. According to the petitioner, he has invested an huge amount of money during the period of lease and before he could catch the fishes, the lease has come to an end.

3. He would also submit that due to the monsoon and heavy rains, he was unable to catch the fishes during the period of the lease. In such circumstances, he has given a representation on 11.02.2022 to the 3rd and 4th respondents to extend the period of the lease by one more year upto June 2022. Since the representation has not been considered till date, the petitioner has filed this writ petition.

4. Heard Mr.V. Arun, learned Additional Advocate General for the respondents and Mr.K.H.Ravikumar, learned Government Advocate for the 2nd respondent.

5. The learned Additional Advocate General appearing for the respondents has placed before this Court the following authorities and would submit that once the lease has come to an end, there is no question of granting extension to the petitioner.

a) a decision rendered by this Court on 10.06.2022 in the case of K.Ramesh Babu vs. The Superintending Engineer and two others in WP No.8678 of 2022.

b) a Division Bench judgment of the Madras High Court (Madurai Bench), dated 29.10.2018 in the case of Chandramohan versus The Executive Engineer and another in W.A. (MD) No.1477 of 2018.

6. In the aforesaid decisions, it has been consistently held that when the lease period has come to an end, the question of granting extension will not arise and that too when the respondents are going to conduct an auction for granting fishing lease which is in public interest. The petitioner can very well participate in the said auction, if he is so

interested in getting a fishing lease in his favour. If at all he has suffered any loss during the period of his lease i.e. from 1.7.2020 to 30.06.2021, he will have to seek compensation or seek for refund of lease rentals from the respondents for the proportionate period. He cannot stall the auction to be conducted by the respondents which is in public interest.

7. For the foregoing reasons, this Court is of the considered view that there is no merit in this writ petition. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to seek for compensation in case, he suffered any loss during the period of his lease i.e., from 1.7.2020 to 30.06.2021 from the respondents in the manner known to the petitioner under law. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vsi2

To

- 1.The Director of Fisheries,
Fishers Department,
Chennai.
- 2.The District Collector,
Salem District,
Salem.
- 3.The Executive Engineer,
Public Works Department,
Water Resource Organization,
Mettur Dam Division,
Mettur Dam - 1.
- 4.The Assistant Engineer,
Water Resource Department,
Kolathur Division,
Mettur Dam - 1.

+1cc to the Government Pleader, S.R.No.44591

W.P.No.5676 of 2022

CA(CO)
SB(21/07/2022)