

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM :

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.7987 OF 2022

1.M.Ranganathan
2.G.Venkatachalam
3.G.Srinivasan
4.R.Murugesan
5.R.Govindaraj

...Petitioners

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Executive Engineer,
Public Works Department (WRO),
Melpennai River Vadinila Kottam,
Krishnagiri.

3.The Chief Executive Officer,
District Fish Farmers Development Agency,
Inland Fisheries,
4th Cross Street,
Jakkappan Nagar,
Krishnagiri.

4.The Assistant Director of Fisheries
(Inland Fisheries),
Krishnagiri.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioners dated 28.12.2021 and 19.01.2022 and pass orders by renewing/extending the lease of the fishing right of the Kareem Sayabu Lake for another 5 years from 2021-22 to 2026-2027 to the petitioners as a member of Krishnagiri District Fish Farmers Development Agency as per reason mentioned in the representation and also Annexure II, clause 6 of the Government order in G.O. (Ms.) No.301, dated 18.11.2013, Animal Husbandry, Dairying and Fisheries (FS-6) Department.

For Petitioners : Mr.M.P.Vairakkannan
For Respondents : Mr.TNC. Kaushik,
Addl. Govt. Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioners representations dated 28.12.2021 and 19.01.2022 seeking for renewal / extension of lease in respect of Kareem Sayabu lake for another period of five years from 2021-2022 to 2026-2027.

2. The petitioners were granted fishing lease by the respondents on 30.06.2017 for a period of five years, which expires in the end of this month. In the affidavit filed in support of this writ petition, the petitioners have expressed their difficulties in generating income out of the Lake on account of the spread of Aerial Lotus throughout the Lake. Photographs of the Lake have also been enclosed along with this writ petition, which discloses the spread of Aerial Lotus. The petitioners have also stated in the affidavit that due to Covid-19 Pandemic situation, they were unable to fully operate the Lake and derive income out of the same. The petitioners have therefore given representations on 28.12.2021 and 19.01.2022 seeking for extension of lease for a further period of five years from 2021-2022 to 2026-2027. According to the petitioners, the District Collector has already forwarded the representations of the petitioners by his Proceedings dated 03.02.2022 to the 4th respondent. Since final orders have not been passed in the petitioners representations, the petitioners have filed this writ petition.

3. A counter affidavit has been filed by the respondents denying the allegations of the petitioners. According to the respondents only in accordance with the directions issued by the Hon'ble Division Bench of this Court on 03.02.2021 in W.A.(MD) No.1251 of 2020, the request for extension of lease by the petitioners was not considered. It is also stated by the respondents that as per G.O. Ms.152, Health and Family Welfare (P1) Dept. dated 23.03.2020, fishing lease granted to the petitioners was exempted and therefore, there was no prohibition for the petitioners to carry out fishing activities even during the Corona period. According to the respondents, the petitioners have not suffered any loss. It is also contended by the respondents that further extension of lease sought for by the petitioners will cause revenue loss to the respondents.

4. Heard Mr.Mr.M.P.Vairakkannan, learned counsel for the petitioners and Mr.TNC. Kaushik, learned Additional Government Pleader appearing for respondents.

5. The petitioners representations dated 28.12.2021 and 19.01.2022 have already been forwarded by the District Collector to the 4th respondent for a report. Till date, no report has been received by the District Collector from the 4th respondent. The petitioners representations seeking for extension of lease have also not been considered till date. Even though the respondents in their counter affidavit have raised several objections with regard to the request made by the petitioners seeking for renewal of lease, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioners representations are considered on merits and in accordance with law after affording a fair hearing to the petitioners. The petitioners claim that they were unable to fully utilise the lease on account of spread of Aerial Lotus, Corona and heavy rains. The petitioners have also filed photographs along with this writ petition to substantiate their case. It is for the respondents to consider the said documents on merits and in accordance with law and decide as to whether lease can be extended in favour of the petitioners for a further period of five years.

6. For the foregoing reasons, this Court directs the 1st respondent to pass final orders on the petitioners representations dated 28.12.2021 and 19.01.2022 seeking for renewal / extension of their lease of the fishing rights in respect of Kareem Sayabu lake for another period of five years from 2021-2022 to 2026-2027, within a period of eight weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioners.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Deputy Registrar(CS)

// True Copy //

Sub Assistant Registrar

vsi2

To

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Executive Engineer,
Public Works Department (WRO),
Melpennai River Vadinila Kottam,
Krishnagiri.

3.The Chief Executive Officer,
District Fish Farmers Development Agency,
Inland Fisheries,
4th Cross Street,
Jakkappan Nagar,
Krishnagiri.

4.The Assistant Director of Fisheries
(Inland Fisheries),
Krishnagiri.

+1cc to M/s.S.Doraisamy, Advocate Sr.No.40653

+1cc to the Government Pleader Sr.No.41118

W.P.No.7987 of 2022

SMI (CO)
RVM(19/07/2022)