



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.8557of 2022

and

WMP No.8459 of 2022

C.Adhimoolam

...Petitioner

vs.

1.The Superintending Engineer
Palar River Basin Division
Water Resource Department
Chepauk
Chennai - 5.

2.The Executive Engineer (PWD)
Kosasthalai River Basin Division
Water Resource Department
Tiruvallur
Tiruvallur District.

3.The Assistant Director of Fisheries
Ponneri,
Tiruvallur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a writ of Certiorarified Mandamus, calling for the records of the second respondent in Letter No.Va.B/Eva.A1/CO/52/2022, dated 18.03.2022 issued by the 2nd respondent and quash the same and consequently direct the respondents to extend the lease of Fishing rights at "Kolathur Lake" lying at Kolathur Village, Pallipattu Taluk, Tiruvallur District for a further period of two years in terms of G.O. Ms. No.201, Animal Husbandry, Dairying and Fisheries Department, dated 19/10/2017.

For petitioner : Mr.S. Kamadevan

For respondents : Mr.V. Arun,
Addl. AG - V
Assisted by Mr.B.Vijay,
Addl. Government Pleader
for R1 to R3



ORDER

This writ petition has been filed challenging the order dated 18.03.2022 passed by the second respondent rejecting the petitioner's application seeking for extension of the lease in respect of the lake for which the fishing licence was granted to the petitioner. The petitioner has challenged the impugned order on the ground that as per G.O. Ms. No.201, Animal Husbandry, Dairying and Fisheries (FS-6) Department, dated 19.10.2017, the lease ought to have been granted to the petitioner for a period of three years but arbitrarily the same has been cancelled without granting any extension for a further period to the petitioner. The petitioner was granted lease by the respondents by order dated 25.02.2021 and he was granted lease for a period from 24.02.2021 to 23.02.2022. In the order dated 25.02.2021 under which the petitioner was granted lease, terms and conditions have been clearly stipulated. The terms and conditions of the order dated 25.02.2021 clearly stipulate that the period of lease is only for a period of one year. The said terms and conditions does not refer to any G.O. which is relied upon by the petitioner in this writ petition.

2. Even in the Government Order dated 19.10.2017 issued by the Animal Husbandry, Dairying and Fisheries (FS - 6) Department in G.O. Ms. No.201 in respect of the leasing rights to be granted for fishing, the Public Works (Water Resources Department) will have to be in control and management of the lakes. Admittedly, the Public Works (Water Resources Department) was the authority, who had granted lease in favour of the petitioner on 25.02.2021. The learned counsel for the petitioner relied upon Clause - (vi) and Clause - (x) of G.O. Ms. No.201, dated 19.10.2017 and would submit that in terms of the G.O., the period of lease is three years. However, as seen from the said clauses, they are concerned with the Assistant Director of Fisheries and not with the Public Works Department, who in the present case has granted lease in favour of the petitioner. It was not the Assistant Director of Fisheries, who had granted the lease in favour of the petitioner under the order dated 25.02.2021, but it was only the Public Works Department, who had granted the lease. As observed earlier, under the terms and conditions of lease, the reference to the Assistant Director of Fisheries or the Fisheries Department is not mentioned. It was only the Public Works Department who had granted lease in favour of the petitioner. Therefore, the petitioner is bound by the terms and conditions imposed by the Public Works Department under the allotment order dated 25.02.2021 issued to the petitioner which clearly stipulates that the lease is only valid upto 23.02.2022. The period of one year has already come to an end. The Public Works Department is desirous of now bringing the Fisheries Rights for auction in order to generate more revenue. The petitioner can very well participate in the said auction. Instead of participating in the auction, the



petitioner has filed this writ petition without any legal rights as his lease is only for a period of one year which has already got expired. Since, the auction is conducted only in public interest and the petitioner has not established his right for extension of the lease, which has already got expired on 23.02.2022, there is no merit in this writ petition.

3. For the foregoing reasons, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

- 1.The Superintending Engineer
Palar River Basin Division
Water Resource Department
Chepauk
Chennai - 5.
- 2.The Executive Engineer (PWD)
Kosasthalai River Basin Division
Water Resource Department
Tiruvallur
Tiruvallur District.
- 3.The Assistant Director of Fisheries
Ponneri,
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+1cc to Government Pleader SR. No. 34597

W.P.No.8557 of 2022

PMK (CO)
PR (20/06/2022)