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W.P.NO.17420 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.17420 of 2022

R.Srinivasan

Petitioner

...

Versus

1.The District Collector,
Ranipet District.

2. Block Development Officer,
Kaveripakkam,
Ranipet District-632508
Respondents

...

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents to renew and extend the fishery right lease period in respect of Vedeladi Pond located at Kuthampakkam Village, Ranipet District for a period of 6 months based on the representation dated 06.06.2022 and as per G.O.Ms.No.332, Animal Husbandry and Fisheries Department, dated 17.11.1993, not to conduct any further auction in respect of pond.

For Petitioner : Mr.L.Ramkumar

For Respondents : Mr.K.H.Ravi Kumar
Govt. Advocate
For R.1
Mr.C.Jayaprakash
For R.2



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ORDER

This writ petition has been filed for a Mandamus seeking for a direction to renew and extend the fishery right lease period in respect of Vedeladi Pond located at Kuthampakkam Village, Ranipet District for a period of 6 months based on the representation dated 06.06.2022 and the petitioner has also sought for a direction to the respondents not to conduct any auction.

2. Heard Mr.L.Ramkumar, learned counsel for the petitioner and Mr.K.H.Ravi Kumar, learned Government Advocate appearing for the first respondent and Mr.C.Jayaprakash, learned Government Advocate appearing for the second respondent. By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

3. The petitioner has been granted fishery right lease by the respondents by proceedings dated 14.01.2022. As per the said proceedings, the petitioner has been granted lease from July 2021 to June 2022. However, according to the petitioner, he was granted possession of Vedeladi Pond only in January 2022 as seen from the proceedings dated 14.01.2022 of the respondents. Therefore, according to the petitioner, the lease, which was granted to him, for a period of one year will come to an end only in December



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2022. However, according to the petitioner, the respondents are now attempting to auction the fishery right lease on expiry of the petitioner's lease as per the proceedings dated 14.01.2022, which comes to an end in June 2022.

4. Learned counsel for the petitioner drew the attention of this Court to the proceedings dated 14.01.2022 and would submit that it has been clearly mentioned that the lease is valid from July 2021 to June 2022 i.e., for a period of one year. He also submits that the lease rentals for the entire period of one year has already been paid by the petitioner and the receipts issued by the respondents for the payments made by the petitioner towards lease rentals for the entire period has also been filed along with the writ petition. The petitioner claims that the respondents are attempting to auction the fishing rights, since, according to them, the lease period granted to the petitioner has already come to an end. Learned counsel for the petitioner also claims that he has also invested huge amount in the Pond for deriving the benefit for a period of one year, but, he has been deprived of the same by the attempt made by the respondents to auction the fishing rights. The petitioner has given a representation on 06.06.2022 to the respondents requesting for extension of his fishing right lease for another period of six months as per G.O.Ms.No.332, Animal Husbandry and Fisheries Department, dated 17.11.1993. The said representation has not been considered till date. Hence, the petitioner has filed



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this writ petition.

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5. No prejudice would be caused to the respondents if the representation of the petitioner, seeking for extension of the fishing right lease for another period of six months, is considered on merits and in accordance with law after affording a fair hearing to the petitioner.

6. Admittedly, the proceedings, under which, the petitioner was granted fishing lease earlier is dated on 14.01.2022, though the period of lease mentioned in the proceedings states that the lease is for the period from July 2021 to June 2022. The petitioner has also paid lease rentals for a period of one year in advance and the receipt of the same has also been filed along with this petition. When the petitioner has been put in possession of the pond for carrying out the fishing activities as per the lease only in January 2022, the request for extension made by the petitioner and his representation dated 06.06.2022 has to be necessarily considered on merits as he has been able to enjoy the fishing lease only for the period from January 2022 to June 2022 i.e, only for a period of six months though the proceedings dated 14.01.2022 of the respondents stipulates that the petitioner is entitled for a period of one year from July 2021 to June 2022. Till the representation of the petitioner referred to



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cannot auction the fishing rights as on a prima facie consideration, the petitioner's lease will come to an end only in December 2022 i.e., from January 2022 when the petitioner was put in possession of the Pond.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 06.06.2022 requesting for extension of fishing rights lease by another period of six months in respect of Vedeladi Pond located at Kuthampakkam Village, Ranipet District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner, including granting him the right of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

8. Till final orders are passed, the respondents shall not auction the fishing rights in respect of the very same pond.

9. With the aforesaid direction, the writ petition is disposed of. No costs.

08.07.2022

sr

Index: Yes/No

Speaking Order/Non-Speaking Order



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ABDUL QUDDHOSE, J

sr

To

- 1.The District Collector,
Ranipet District.
2. Block Development Officer,
Kaveripakkam,
Ranipet District-632508

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