

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.25272 of 2019
and
W.M.P.No.24845 of 2019

South Arcot District Fish Farmers Co-operative
Marketing Society (F.C.E.61)
rep. By its President, V.Appadurai,
Koodalaiyathoor, Kavalakudi Post,
Srimushnam Taluk, Cuddalore District.

..Petitioner

Vs.

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Assistant Director,
Fisheries Department,
Fishing Harbour Complex,
Cuddalore - 607 301.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Proceedings No.Na.Ka.No.1917/E/2019 dated 08.08.2019 and quash the same as illegal and consequentially direct the respondents to process the consent of the petitioner dated 12.07.2019 in accordance with law.

For Petitioner :Mr.Nilesh Ram for
M/s.K.M.Vijayan Associates

For Respondents :Mr.P.Anandakumar, Government Advocate
Mr.Karthick, Sub-Inspector of Fisheries,
Cuddalore (appeared in person)

O R D E R

The grievance of the petitioner is that the petitioner was denied the opportunity for allotment of fishing rights in Madhuvanamedu Lake for three years period from 01.07.2019 to 30.06.2022 on the ground that the petitioner had not signified its consent within the time stipulated.

2.The Assistant Director of Fisheries, Cuddalore had called for willingness from the Fishermen Co-operative Societies for awarding fishery rights in various lakes and tanks in Cuddalore District. It has been stated that such willingness should reach the Office of the Assistant Director by 5 p.m. On 12.07.2019.

3.While the petitioner would vehemently contend that they had handed over the willingness letter in the Office of the Assistant Director of Fisheries, Cuddalore on 12.07.2019, it is the contention of the Department that the letter was received by the Department only on 13.07.2019 and therefore, the request of the petitioner was rejected.

4.Since the learned counsel for the petitioner vehemently contended that the letter was handed over in person on 12.07.2019, I had directed production of the records. The records have been produced today.

5.Mr.Karthick, Sub-Inspector of Fisheries, Cuddalore is present in person before this Court. Upon examination of the records, it is seen that there is an endorsement by the Assistant Director of Fisheries on the letter of the petitioner Association stating that it has been received only on 13.07.2019 by post and hence, the same is liable to be rejected. The serial number of the inward register is also shown as 2097 in the said letter. The copy of the inward register in the Office of the Assistant Director of Fisheries has also been produced. It is seen that Serial No.2097 is relatable only to 13.07.2019 and the inward register for the date 12.07.2019 ends with 2093. This strengthens the stand of the Department and probablizes the fact that the letter though dated 12.07.2019 was not received by the Office of the Assistant Director of Fisheries on 12.07.2019.

6.I therefore, do not see any reason to interfere in the decision of the authorities. The fact that the lease is going to expire by day after tomorrow is also taken into consideration in coming to the conclusion that nothing will survive in the Writ Petition itself.

7.Hence, this Writ Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

kkn

To:-

- 1.The District Collector,
Cuddalore District,
Cuddalore.
- 2.The Assistant Director,
Fisheries Department,
Fishing Harbour Complex,
Cuddalore - 607 301.

+1cc to the Government Pleader, SR.No.41417

W.P.No.25272 of 2019

and

W.M.P.No.24845 of 2019

PMK(CO)
CB(13/07/2022)