



W.P.(MD).No.8326 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.8326 of 2012

and

M.P.(MD)Nos.1 & 2 of 2012

M.Sulthan

... Petitioner

Vs.

1. The Executive Officer,
Natham Selection Grade Town Panchayat,
Natham,
Dindigul District.

2. The Directorate of Town Panchayat,
District Collector Office Campus,
Dindigul,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records to the impugned order passed by the first respondent in his proceeding Na.Ka.No.26 of 2012 dated 03.05.2012 and quash the



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same and consequently to extend the license period to the petitioner for fishing rights in Nalla Kulam Kanmai Natham Dindigul District till 30.06.2013 or refund the Bid amount of Rs.1,13,914/- for non enjoyment period 01.07.2009 to 01.06.2010.

For Petitioner : Mr.R.N.Mohideen Basha

For R2 : Mr.N.Muthuvijayan
Special Government Pleader

For R1 : No appearance

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein under which the request of the petitioner seeking extension of the license period for continuing the fishing rights in Nallakulam was rejected.

2. According to the petitioner, he was granted license for a period of three years from 01.07.2009 to 30.06.2012. However, the petitioner could not start the fishing activities only on 01.07.2009 due to



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the pendency of certain writ petitions. According the writ petitioner, he could start the fishing activities only from 01.06.2010. Hence, after completion of three years period namely 30.06.2012, the petitioner sent a representation to the first respondent herein requesting him to extend the period till 30.06.2013, without demanding any license fee. The said request of the petitioner has been rejected under the impugned order.

3. According to the learned Counsel for the petitioner, he was prevented from continuing the fishing activities from 01.07.2009 for a period of one year. Hence, the license fee paid for the said period could not be utilized by the writ petitioner. Hence, he had prayed for extension of the license period till 30.06.2013.

4. The learned Counsel for the respondents had contended that the request of the petitioner for extension till 30.06.2013 has already expired. Further there was no request on the side of the writ petitioner for refund of the license fee paid for the period covering 2009-2010. Hence, he requested the court to sustain the impugned order.



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5. I have carefully considered the submissions made on either side.

6. Admittedly, the petitioner was prevented from carrying out the fishing activities based upon the license granted to him for the period between 2009-2010. However, the petitioner would not be entitled to an extension based upon the period during which he could not operate it. That apart, the period for which extension has been sought for has already expired on 30.06.2013. Hence, the request of the petitioner cannot be entertained at this stage.

7. In view of the above said discussion, the writ petition stands dismissed. However, the petitioner will be at liberty to approach the first respondent for refund of the license fee covering the period between 2009-2010 and the said request shall be considered based upon the existing rules and regulations.



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8. With the above said observations, the Writ Petition stands dismissed. No Costs. Consequently connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
jbr

To

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2. The Directorate of Town Panchayat,
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Dindigul District.



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R.VIJAYAKUMAR ,J.

jbr

Order made in
W.P.(MD).No.8326 of 2012

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