



WEB COPY

W.P.(MD)No.5172 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5172 of 2022

and

W.M.P. (MD)Nos.4205 and 4206 of 2022

S.Singadurai

... Petitioner

vs.

1.The Executive Engineer,
Water Resource Organisation/
Public Works Department,
Mel Vaippar Basin Division,
Rajapalayam Post - 626 117,
Virudhunagar District.

2.The Assistant Engineer,
Water Resource Organisation/
Public Works Department,
Mel Vaippar Basin Division,
Sivagiri-627 757, Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to extend the fishery rights lease for further period of two years as per G.O.(Ms)No.332, Animal Husbandry and Fisheries (FS-IV) Department dated 17.11.1993 and to receive the enhanced 10% lease amount from the past year lease amount from the petitioner, for renewal of fishery rights for the pasali years 2022-2023 and 2023-2024 in respect of Vadakal Tank, Sivagiri Village and Taluk, Tenkasi District is concerned,

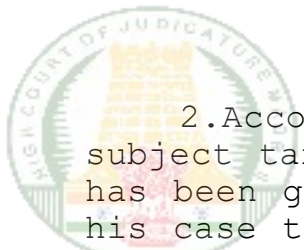
For Petitioner :Mr.M.Saravanakumar

For Respondents :Mr.D.Sasikumar

Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to extend the fishery rights lease for further period of two years as per G.O.(Ms)No.332, Animal Husbandry and Fisheries (FS-IV) Department, dated 17.11.1993, and to receive the enhanced 10% lease amount from the past year lease amount from the petitioner, for renewal of fishery rights for the pasali years 2022-2023 and 2023-2024 in respect of Vadakal Tank, Sivagiri Village and Taluk, Tenkasi District is concerned.



2. According to the petitioner, his fishing lease in the subject tank has got expired on 31.12.2021. According to him, he has been granted lease only for the period of three years. It is his case that as per G.O.(Ms)No.332, dated 17.11.1993, the period of lease is for five years. In such circumstances, he has sought for extension of lease by another period of two years. It is also his contention that he has already invested huge amount of money by dropping fishlings in the subject tank believing that he will be granted five years lease.

3. This Court by its earlier order, dated 15.12.2021 passed in W.P.(MD)No.21000 of 2021 filed by the very same petitioner seeking for an identical relief directed the respondents to consider the petitioner's representation within a period of eight weeks from the date of receipt of a copy the said order after affording an opportunity of hearing to the petitioner. Till date, no final order has been passed by the official respondents pursuant to the direction given by this Court on 15.12.2021 in W.P.(MD)No.21000 of 2021.

4. The petitioner states that since no orders are passed and that the petitioner having invested huge amount of money by dropping fishlings and it is the right time for harvest, the petitioner's interest must be protected till final orders are passed pursuant to the direction given by this Court on 15.12.2021 in W.P.(MD)No.21000 of 2021.

5. This Court is of the considered view that since no final orders have been passed pursuant to the direction given by this Court on 15.12.2021 in WP(MD)No.21000 of 2021, filed by the very same petitioner, the interest of the petitioner will have to be protected, if the petitioner is allowed to harvest fishes in the subject fishing tank till final orders are passed by the official respondents pursuant to the directions given by this Court on 15.12.2021 in WP(MD)No.21000 of 2021.

6. In terms of the above, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)



To

1.The Executive Engineer,
Water Resource Organisation/
Public Works Department,
Mel Vaippar Basin Division,
Rajapalayam Post - 626 117,
Virudhunagar District.

2.The Assistant Engineer,
Water Resource Organisation/
Public Works Department,
Mel Vaippar Basin Division,
Sivagiri-627 757, Tenkasi District.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-15253[F] dated 30/03/2022)

+1 CC to M/s.SPL GP (SR-15360[F] dated 30/03/2022)

Order made in

W.P. (MD)No.5172 of 2022

29.03.2022

PA(08.04.2022) 3P 5C