



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7943 of 2022

and

W.M.P. (MD) .Nos.5959 and 5960 of 2022

K.Desiyappan

...Petitioner

Vs.

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

2.The Assistant Engineer,
Water Resource Organization /
Public Works Department,
Mel Vaipaar Basin Division,
Irrigation Section No.I,
Srivilliputhur - 626 125,
Virudhunagar District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a 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 year 2022 - 2023 and 2023-2024 in respect of Periyakulam Tank, Srivilliputhur Village and Taluk, Virudhunagar District is concerned.

For Petitioner	:	Mr.M.Saravanakumar
For Respondents	:	Mr.M.Lingadurai, Special Government Pleader.

ORDER

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 Periyakulam Tank, Srivilliputhur Village and Taluk, Virudhunagar District is concerned.

2. According to the petitioner, he is having a valid fishery lease for the aforementioned tank. According to him, the fishery lease will have to be extended as per G.O.(Ms)No.332, dated 17.11.1993. According to the petitioner, as per the said Government Order, the total period of the lease is for five years. The petitioner has been granted lease from 2020 onwards, which expires on 30.06.2022. In such circumstances, the petitioner has sought for extension of lease for a further period in terms of G.O.(Ms)No.332, dated 17.11.1993. Since his representation has not been considered till date, he has filed this Writ Petition.

3. The learned Counsel for the petitioner drew the attention of this Court to G.O.(Ms)No.332, dated 17.11.1993. As per the said Government Order, the period of fishing lease is five years. However, the petitioner has been granted only three years lease.

4. No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law and in the light of G.O.(Ms)No.332, dated 17.11.1993, referred to supra.

5. Accordingly, this Court directs the first respondent to consider the petitioner's representation, dated 06.09.2021 requesting for extension of lease as per G.O.(Ms)No.332, dated 17.11.1993 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. The petitioner has stated that fishing lease has been extended to another person in respect of some other tank by following G.O.(Ms)No.332 Animal Husbandry and Fisheries (FS-IV) Department dated 17.11.1993. The said statement is recorded. It is for the respondents to give due consideration to all the contentions raised by the petitioner and decide as to whether the petitioner is entitled for extension of lease or not.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

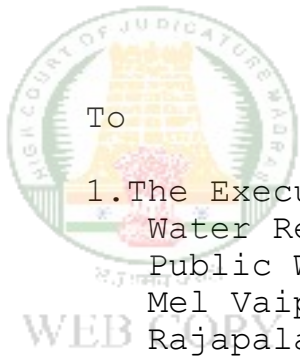
Sd/-

Assistant Registrar ()

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/ /2022

Sub Assistant Registrar(CS)



To

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

2.The Assistant Engineer,
Water Resource Organization /
Public Works Department,
Mel Vaipaar Basin Division,
Irrigation Section No.I,
Srivilliputhur - 626 125,
Virudhunagar District.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-20865[F] dated
25/04/2022)

+1 CC to M/s.SPL.GP. (SR-21189[F] dated 26/04/2022)

W.P. (MD) .No.7943 of 2022
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