

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12604 of 2021

and

W.M.P.(MD).No.9840 of 2021

The President,
Ilangulam Kanmai Neerinaippayanbaduthuvor
Sangam, (Ilangulam Tank Water Consumers
Association Naranapuram Part-1),
Registration No. SRG/Tenkasi/118/2019,
No.12A/3, Agragaram Street,
Vasudevanallur – 627 758,
Sivagiri Taluk,
Tenkasi District.

... Petitioner

Vs

- 1.The Secretary to Government,
Public Works Department (Irrigation),
Fort St.George,
Chennai – 09.
- 2.The District Collector,
Tenkasi District,
Tenkasi.

3.The Executive Engineer,
Public Works Department (Irrigation),
Upper Vaipar Basin Division,
Rajapalayam,
Virudhunagar District.

4.The Assistant Engineer,
Public Works Department (Irrigation),
Upper Vaipar Basin Division,
Rajapalayam,
Virudhunagar District.

5.M.Ramakrishnan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or direction or order more in the form of writ, by permitting the petitioner association “Illangulam Kanmai Neerinaippayanpaduthuvor Sangam, (Illangulam Tank Water Consumers Association Naranapuram Part - 1) to make the fisheries rights every year from 17-07-2021, onwards for the benefits of this petitioner association in Illangulam Tank in Naranapuram Part - I Village in Sivagiri Taluk in Tenkasi District.

For Petitioner : Mr.F.X.Eugene

For R1- to R-4 : Mr.Prakash,
Additional Government Pleader.

For R-5 : Mr.S.Alagusundar

ORDER

Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the respondents 1 to 4 and learned counsel appearing for the fifth respondent.

2. The fifth respondent was granted fishing right in Ilangulam Taluk from the year February 2018. The period of lease was for only one year. He filed W.P.(MD).No.12237 of 2019 and this Court by order dated 10.09.2020 directed the Executive Engineer, PWD WRO, Rajapalayam to pass order on his request for extension of lease in the light of G.O.Ms.No.332 Dated 17.11.1993. The said Government Order only states that the fisheries lease was given for only five years. But when the notification for granting fishing lease was issued and the fifth respondent successfully obtained fishing lease, the notification was only for one year. Such a lease could not be extended upto five years by citing the said Government Order. The said Government Order has been clearly misconstrued. Be that as it may, the fishing lease of the fifth respondent expires in February 2023.

3. The learned counsel for the fifth respondent states that the fifth respondent will not seeks any further extension of time. The undertaking of the fifth respondent is recorded. The third respondent is directed to bring the fishing lease to public auction thereafter.

4. This Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

29.08.2022

Index : Yes / No
Internet : Yes/ No
Nsr

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G.R.SWAMINATHAN, J.

Nsr

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