



W.P.(MD)No.13272 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13272 of 2022

and

W.M.P(MD)Nos.9423, 9424 & 9425 of 2022

FMD-10, Bodi Fishermen Cooperative Society,
Represented by its President
Tamilarasan, No.71-C, Solai Chollalingam Nagar,
Bodinayakanur, Theni District.

... Petitioner

Vs

1.The Director of Fisheries,
Fisheries Department, Saidapet,
Chennai.

2.The Deputy Director of Fisheries,
Office of the Deputy Director of Fisheries,
Madurai, Madurai District.

3.The Assistant Director of Fisheries,
Theni Zone, Vaigaidam,
Aundipatty, Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned license order in Na.Ka.No.885/A3/2021, dated 03.12.2021 and demand notice in Na.Ka.No.885/A/2021-3 dated 14.06.2022



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issued by the third respondent herein and quash the same as illegal and also consequently, direct the third respondent herein to extend the first year of fishing license lease period up to 02.12.2022 (i.e. one year starting from the date of issue of license) as per fishing rights lease license order in Na.Ka.No. 885/A3/2021 dated 03.12.2021 and extending the three years license period up to 02.12.2024 in respect of the Meenakshi Amman Tank, in light of the G.O(Ms)No.201, Animal Husbandry, Dairying and Fisheries Department dated 19.10.2017 and judgment in W.P(MD)No.13591 of 2021, dated 28.10.2021.

For Petitioner : Mr.A.Mithun Chakravarthi

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader for the respondents.

2.The petitioner was granted fishery lease for the petition mentioned Kanmai. The lease is for three years period fasali year 1431-1433. The lease period is to expire on 30.06.2024. The petitioner's grievance is that even though the possession of the Kanmai was given only on 03.12.2021, the



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proceedings read as if the the lease commenced on 01.07.2021 itself.

Therefore, the petitioner cannot be called upon to pay the lease rent even for the period when they were not in possession.

3. When the matter was taken up hearing in the forenoon session, I called upon the learned Additional Advocate General to personally verify the relevant files and make a statement. When the matter was taken up in the afternoon session, the learned Additional Advocate General made a fair statement that possession was given to the petitioner only on 03.12.2021.

4. In the light of the said submission the following direction is issued:

The petitioner had remitted the lease rent only for one year. Therefore, the amount paid by the petitioner will hold good till December 2022. Thereafter, the petitioner can make payment for half year which will be valid up to 30.06.2023. Thereafter, on his payment for further one year lease rent the lease will be valid up to the fasali year 1433. In other words, the petitioner's lease will expire on 30.06.2024 ending with fasali year 1433.

The petitioner gives an undertaking through their counsel that they will not ask for further extension thereafter.



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5.The writ petition is allowed on these terms. Consequently, connected miscellaneous petitions are closed. No costs.

05.07.2022

Index : Yes / No
Internet : Yes/ No
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To

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Fisheries Department,
Saidapet,
Chennai.
- 2.The Deputy Director of Fisheries,
Office of the Deputy Director of Fisheries,
Madurai,
Madurai District.
- 3.The Assistant Director of Fisheries,
Theni Zone,
Vaigaidam,
Aundipatty,
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G.R.SWAMINATHAN, J.

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