

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 25.08.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.13936 of 2022 and
W.M.P.(MD)No.9918 of 2022**

D.Muthupandi

... Petitioner

Vs.

- 1 The District Collector,
Office of the District Collector,
Theni District.
- 2 The Commissioner of Fisheries
and Fisherman Welfare,
3rd Floor, Integrated Animal Husbandry
and Fisheries Building,
Nandanam, Chennai 600 035.
- 3 The Deputy Director of Fisheries
and Fisherman Welfare,
(Inland Fisheries) Bye Pass Road,
Madurai.
- 4 The Assistant Director of Fisheries -Vaigai Dam,
O/o. Assistant Director of Fisheries-Vaigai Dam,
Theni District 625 562. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take appropriate action for returning the lease amount paid by the petitioner in pursuant to the fishery

right in Thamaraikulam Kanmoi for the year 2021-2022 and to take appropriate action to prevent the sewage water being directed into Thamaraikulam Kanmoi the petitioner's considering the representation dated 21.06.2022.

For Petitioner : Mr.R.Maheswaran

For Respondents: Mr.M.Sarangan,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner was granted fishery license in respect of the petition mentioned Kanmoi. The petitioner alleges that sewage water was let into the said Kanmoi and on account of the said pollution, the fish culture was totally affected. He seeks refund of the lease amount paid by him.

3. Counter affidavit has been filed. Since disputed facts are involved, the petitioner has to necessarily get the

remedy only before the jurisdictional civil Court. No relief can be granted in writ proceedings. Leaving open the other rights and remedies of the writ petitioner, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2022

Index : Yes / No

Internet : Yes/ No

PMU

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G.R.SWAMINATHAN,J.

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