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W.P/[MD]/No.20015 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.20015 of 2017

and

W.M.P (MD) .No.16293 of 2017

P.K.Murugan

: Petitioner

Vs.

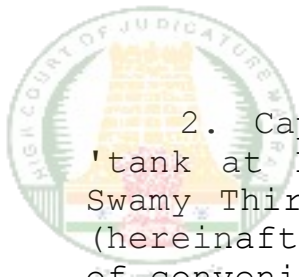
1. The Commissioner,
Tamilnadu Hindu Religious Charitable Endowment
Board,
Nungampakkam, Chennai.
2. The Assistant Commissioner/Executive Officer,
Arulmigu Thirucoutralanatha Swamy Thirukovil,
Coutralam, Tenkasi Taluk, Tirunelveli District.
3. The Thakkar,
Arulmigu Thirucoutralanatha Swamy Thirukovil,
Coutralam, Tenkasi Taluk, Tirunelveli District. : Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records of the impugned communication dated 25.10.2017 issued by the second respondent herein and quash the same as illegal and further direct the respondents herein extend the fishery right to the petitioner in Ilanju Periyakulam for the next Fasali year 1427 (01.07.2017 to 30.06.2018) within a time frame fixed by this Court.

For Petitioner : Mr.S.Vashik Ali
for D.Nallathambi
For Respondents : Mr.M.Ramesh,
Government Advocate for R1
Mr.S.Manohar for R2 and R3

O R D E R

In the captioned writ petition, Mr.S.Vashik Ali, learned counsel representing the counsel on record for writ petitioner, Mr.M.Ramesh, learned Government Advocate on behalf of first respondent and Mr.S.Manohar, learned private counsel on behalf of respondents 2 and 3 are before this virtual Court.



2. Captioned writ petition pertains to fishery rights in a 'tank at Ilanji Periyakulam owned by Arulmigu Thirucoutralanatha Swamy Thirukovil, Coutralam, Tenkasi Taluk, Tirunelveli District' (hereinafter 'said Tank and said Temple' respectively for the sake of convenience and clarity).

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3. The writ petitioner, who was successful in the auction of fishery rights in said Tank and said Temple qua Fasli 1426 (01.07.2016 to 30.06.2017 in the Gregorian calendar) sought extension for Fasli 1427 (01.07.2017 to 30.06.2018 in the Gregorian calendar) also. The extension plea was rejected vide a communication dated 25.10.2017 and that has been called in question.

4. Matter pertains to a tank and much water has flown under the bridge thereafter. Subsequent Faslis i.e., 1428 to 1430 have also seen auction for fishery rights qua said Tank and on instructions, learned private counsel for third respondent submits that Fasli 1431 which is underway (elg;[g[gryp) has also seen a auction and a third party qua captioned writ petition who is the successful bidder is now operating fishery rights.

5. Owing to the trajectory the matter has taken, the matter has worked itself out and has become infructuous. However, this Court deems it appropriate to make it clear that all rights and contentions of the respective parties including the questions raised in the captioned writ petition are left open for being examined if the need arises on a future date with regard to ensuing Faslis.

6. Captioned main writ petition is disposed of as closed having become infructuous albeit with the aforementioned observations. Consequently, connected W.M.P is disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

pkn

To

1. The Commissioner,
Tamilnadu Hindu Religious Charitable Endowment Board,
Nungambakkam, Chennai.

<https://hcservices.ecourts.gov.in/hcservices>



2. The Assistant Commissioner/Executive Officer,
Arulmigu Thirucoutralanatha Swamy Thirukovil,
Coutralam, Tenkasi Taluk, Tirunelveli District.

3. The Thakkar,
Arulmigu Thirucoutralanatha Swamy Thirukovil,
Coutralam, Tenkasi Taluk, Tirunelveli District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-859[F] dated 07/01/2022)
+1 CC to M/s.S.MANO HAR, Advocate (SR-1069[F] dated 10/01/2022)
+1 CC to M/s.SPL.GP (SR-1009[F] dated 10/01/2022)

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BK(CO)
SB(20.01.2022) 3P 7C