



WEB COPY



W.P.No.21943 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.21943 of 2023
&WMP.No.21294 of 2023

B.Elumalai

...Petitioner

-Vs-

1.The Superintending Engineer,
Palar River Basin Division,
Public Works Department/
Water Source Department,
Chepauk, Chennai – 5.

2.The Executive Engineer,
Lower Palar River Basin Division,
Public Works Department/
Water source Department,
Kanchipuram,
Kanchipuram District.

3.The Assistant Executive Engineer,
Lower Palar River Basin Sub-Division,
Public Works Department/
Water Source Department,
Kanchipuram, Kanchipuram District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order in Letter on 1145/ko.146/2023/dt.11.07.2023 for fishing rights in



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Ramanujapuram irrigation Tank situated in Ramanujapuram Village, Sriperumbudur Taluk, Kanchipuram District by extending the benefits to the Petitioner in the light of the judgement passed by this Hon'ble Court Madurai Division Bench in W.A(MD)No.219 and 220 of 2020 dated 20.02.2020.

For Petitioner : Mr.K.G.Senthilkumar

For RR1 to 3 : Mr.V.Manoharan
Additional Government Pleader

ORDER

The petitioner got a tender for fishing in Ramanujapuram Irrigation Tank for a period of six months from 01.02.2023 to 31.07.2023. Very curiously, the auction for the said tender had taken place some two months after the expiry of the date on which the tender period commenced, to be precise on 03.04.2023. The petitioner was the highest bidder and his bid was confirmed by the second respondent Vide his proceedings dated 13.04.2023. Now, the petitioner faces a threat of his contract being terminated by 31.07.2023.



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2.The learned counsel for the petitioner submitted that apparently the lease period is for six months and the petitioner has bid the auction for six months and that the amounts were paid for six months and necessarily, the petitioner would be entitled to fish in the said Tank for six months. Out of those six months, three months period has expired. Therefore, the petitioner gave a representation dated 10.07.2023 to the second respondent to extend his lease period by another six months.

3.The learned Additional Government Pleader appearing for the respondents brought to the notice of the Court that the representation of the petitioner has been rejected by the second respondent.

4.The learned counsel for the petitioner submitted that from 31.07.2023, the petitioner would be entitled to only 72 days and no more and the extension sought for six months in the representation of the petitioner is a mistake.



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5.The respondents are required to float the tender well in advance before the commencement of either the fasli or after the period when such extended period expires or from the date on which the fishing is possible, in all cases, where the earlier lease period expires so that situation such as this can be averted.

6.This Court considers that if the petitioner seeks an extension for six (6) months to commence from 31.07.2023, then it is an unfair request. Inasmuch as the petitioner has now confined his request only to 72 days, then it cannot be faulted, if only the calculation of the number of days is correct. This Court therefore, sets aside the impugned proceedings of the second respondent dated 11.07.2023 and sends the matter back to the second respondent to fix a date on which the petitioner's lease for fishing will end if it were to be calculated from the date on which his bid was confirmed and pass such necessary orders.



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7.The Writ Petition is disposed of accordingly. No costs. Accordingly, the connected miscellaneous petition is closed.

28.07.2023

Index : Yes/No

Internet : Yes/No

Tsg

To

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N.SESHASAYEE, J.,

Tsg

Order made in
W.P.No.21943 of 2023

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