



W.P.No.22017 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.22017 of 2023

S.Shivakumar

... Petitioner

Vs.

1.The District Collector
Tirupattur Taluk & District
Pincode - 635 601

2.The Executive Engineer
Public Works Department
Vellore Taluk & District

3.The Assistant Engineer
Water Resources - Public Work Department
Irrigation Division
Vaniyambadi Town & Taluk
Tirupattur District

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 3rd respondent herein to consider the representation of the petitioner dated 04.07.2023.



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For Petitioner : Mrs.V.Srimathi

For Respondents : Mr.A.Anandan
Govt. Advocate - R1 to R3

ORDER

The petitioner was a successful bidder in a lease for fishing in Kethandampatti Lake for a period from 01.07.2022 to 30.06.2023. However, the 3rd respondent had floated the auction some four months after the commencement of the lease period, to be precise on 08.11.2022. The petitioner is stated to have paid the auction amount on 22.11.2022. Technically the leased period would expire on 30.06.2023. The petitioner has now come forward with this writ petition, for directing the 3rd respondent to consider his representation to extend the lease period for the duration he has lost. Therefore, effectively for a lease that was to commence from 01.07.2022, actually has commenced on 22.11.2022. Therefore, one year period must have to be reckoned from that date.

2.Mr.A.Anandan, the learned Government Advocate has taken notice for the respondents 1 to 3.

3.The 3rd respondent is now required to consider the representation of the



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petitioner dated 04.07.2023 and pass such appropriate order, extending the lease term for the unexpired period of the lease since refusal to do so would amount to be unfair to the petitioner since he has bid for one full year.

4. Since the cases such as this crop up very frequently, the respondent concerned is required to float the tender well in advance before the commencement of either the fasli or such extended period 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 could be averted.

5. This writ petition stands disposed of accordingly. No costs.

28.07.2023
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N.SESHASAYEE, J.
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