



W.P.No.25023 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.25023 of 2023

M/s. FMR 2 Krishnagiri Parvadarajakula,
Fishermen Co-Operative Society,
Rep. by its President Mr.Guganathan,
D.No.18B/20D, Mohanrao Colony,
2nd Cross Street, Krishnagiri District - 635001.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Fisheries and Animal Husbandry,
Fort St. George,
Chennai 600 009.
- 2.The Commissioner of Fisheries,
Tamil Nadu Department of Fisheries and Fishermen Welfare,
Integrated Animal Husbandry and Fisheries Building,
Nandanam, Chennai 600 035.
- 3.The Additional Director,
Fisheries and Fisherman Welfare Department,
Co-operative Colony,
Krishnagiri District 635001.
- 4.The Executive Engineer,
The Public Works Department,
Old Travellers Bungalow Campus,
Krishnagiri District 635001.

... Respondents



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PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 3rd respondent to stop further proceedings in Na.Ka.En.2087/E/18, dated 05.07.2023 and to grant periodical time for payment of 5th Final year lease amount of Rs.2,16,82,832/- apart from royalty refund of Rs.27,87,310/- in 3 installment to Fisheries Department based on lease agreement dated 04.12.2018 and committee recommendation dated 23.10.2020 in pursuance of the representation dated 04.08.2023 of the president.

For Petitioner : Mr.S.R.Rajagopal, Senior Counsel
for M/s.S.Tamilselvan

For Respondents : Mr.V.Manoharan

ORDER

The petitioner herein seeks time to deposit his fifth and final lease amount of Rs.2,16,82,832/-, after adjusting a royalty refund of Rs.27,87,310/-. Indeed, the amount actually payable is Rs.2,44,70,142/-.

2.Mr.S.R.Rajagopal, learned Senior Counsel appearing for M/s.S.Tamilselvan, learned counsel for the petitioner made a fair statement that the issue of refund of



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royalty amount of Rs.27,87,310/- would be kept aside for the present and the petitioner is willing to deposit the entire lease amount of Rs.2,44,70,142/- in 3 monthly installments.

3.Learned Senior Counsel submitted that this Court vide its order dated 07.07.2023 in WP.No.20101 of 2023 directed the respondents 1 and 2 here to consider the representation of the petitioner to extend the lease period in view of number of months lost during Covid time and the same are pending and the said representation is also pending.

4.Mr.V.Manoharan, learned Additional Government Pleader takes notice for the respondents.

5.The petitioner merely seeks some time to pay the lease amount and in this context this Court also takes into account the loss the petitioner might have suffered owing to intervene of covid phase during the lease period. Therefore, this Court allows the petitioner and directs the petitioner to pay a sum of Rs.1 Crore on or before 07.09.2023, second instalment of Rs.75 Lakhs on or



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before 07.10.2023 and the balance by 07.11.2023. The issue regarding refund of the royalty amount etc., are left open for the present.

6.The writ petition is accordingly disposed of. No costs.

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pvs

Index : Yes / No

Neutral citation : yes/no



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N.SESHASAYEE, J.

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