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W.P. No. 33731 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 33731 of 2023

Punitharaj

... Petitioner

-VS-

1. The District Collector
Villupuram District
Villupuram.
2. The Block Development Officer
Mugaiyur Block
Villupuram District.
3. The President
Village Panchayat Kodungal Village
Villupuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, direct the Third Respondent to renewal of the Petitioner lease for further period of one year from 01.01.2024 to 30.11.2024 pursuant to Petitioner representation dated 06.11.2023.

For Petitioner : Mr. M.Sivakumar

For Respondents : Mr. S.J.Mohammed Sathik, GA (R1)
Mrs. S.Anitha (RR2 & 3)



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ORDER

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Heard Mr. M.Sivakumar, Learned Counsel for the Petitioner, Mr. S.J.Mohammed Sathik, Learned Government Advocate, who takes notice for the First Respondent and Mrs. S.Anitha, Learned Counsel, who takes notice for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims that fishery rights in the water bodies in Kodungal Village Panchayat, Kantachipuram Taluk, Villupuram District, where he is said to be residing, had been granted to him for the period from 01.01.2023 to 30.11.2023 and he had made a representation dated 06.11.2023 for its renewal to the Third Respondent, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. At the outset, it requires to be noticed that except the receipt for payment of Rs. 967,527/- made by the Petitioner on 31.12.2022 towards the lease amount for fishery rights, he has not produced any document to even infer that he has any right of renewal as sought by him. At this juncture, it requires to be recapitulated here that the Division Bench of the Court in ***K.Subbiah Pandian***



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-vs- Assistant Director of Panchayat (Order dated 31.07.2009 in W.P. (MD).

No. 5813 of 2008 etc., batch) has held that Rule 11 of the Tamil Nadu Panchayat (Lease and Licensing of Fishery Rights in Water Sources Vested and Regulated by Village Panchayats and Panchayat Union Councils) Rules, 1999, prescribing a lease period of 5 years, is not mandatory, but only directory. It is only the maximum period for which a lease or licence of fishery rights could be granted at a time.

5. In the aforesaid circumstances, it is not possible to grant any relief to the Petitioner in this case. It is needless to add here that if the Petitioner is eligible and not disqualified, he shall not be precluded from participating in any tender or public auction for the lease of fishery rights in the said Village, as and when conducted, following the prescribed procedure in accordance with law.

In the result, the Writ Petition is disposed with the aforesaid observations. No costs.

08.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.05.2024.

Maya



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To

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Villupuram.
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P.D. AUDIKESAVALU, J.

Maya

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