



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.579 of 2023

and

WMP(MD)No.577 of 2023

P.Ramesh

... Petitioner

v.

1.The Superintendent of Police,
(Public Works Department),
Melwaiparu Watershed Zone,
Virudhunagar,
Virudhunagar District.

2.The Executive Engineer,
(Public Works Department),
Melavaiparu Watershed Zone,
Rajapalayam, Virudhunagar District.

3.The Assistant Executive Engineer,
(Public Works Department),
Melavaiparu Watershed Zone,
Sivagiri, Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned communication issued by the 2nd respondent vide Ka.En Tha1/Ko.11/2022 dated 08.12.22 and quash the same as illegal and quash the same consequently for a direction, directing the Respondents No.1 to 3 to consider petitioners representation dated 08.12.22 requesting for permitting petitioner to entirely enjoy the petitioner third-year lease period for



fish harvesting in Rasingapperi Kanmai, Irayagiri Village, Sivagiri Circle, Tenkasi District in accordance with the 2nd respondent's communication (Letter No. THA 1/13-15/2020 dated 11.06.2020) within the timeframe stipulated by this court and also to forbear the respondents from calling for public auction for leasing out the fishery rights in Rasingapperi Kanmai, Irayagiri Village, Sivagiri Circle, Tenkasi District till the petitioner lease period gets completed in June 2023.

For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.M.Sidhardhan,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner was granted fishery license for the petition mentioned Kanmai. The lease period is to expire on 04.02.2023. The petitioner seeks extension of time. The learned counsel for the petitioner points out that even though auction was held on 21.01.2020, possession was given six months later. Thus, the petitioner was not able to enjoy 3 years lease period fully. It is on this ground he seeks extension of the lease period. The petitioner knew fully well that the lease period will expire on 04.02.2023. This Court cannot rewrite the terms of the lease entered into between the parties. If the petitioner was put to any loss, it is always open to him to lodge an independent claim. All the contentions of the petitioner's are left open. I have not gone into the merits of the matter.



3.The writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

WEB COPY

10.01.2023

SKM

To

- 1.The Superintendent of Police,
(Public Works Department),
Melwaiparu Watershed Zone,
Virudhunagar,
Virudhunagar District.
- 2.The Executive Engineer,
(Public Works Department),
Melavaiparu Watershed Zone,
Rajapalayam, Virudhunagar District.
- 3.The Assistant Executive Engineer,
(Public Works Department),
Melavaiparu Watershed Zone,
Sivagiri, Tenkasi District.



WEB COPY



G.R.SWAMINATHAN, J.

skm

W.P(MD)No.579 of 2023
and
WMP(MD)No.577 of 2023

10.01.2023