



W.P(MD)No.2218 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2218 of 2023

and

W.M.P.(MD)Nos.1996 & 1997 of 2023

P.Veerachamy

... Petitioner

Vs.

1.The Commissioner of Fisheries,
Development & Fisheries Welfare Department,
Nandanam, Chennai 600 035.

2.The Deputy Director of Fisheries (Regional)
Fisheries Development & Fisheries,
Welfare Department, Madurai.

3.The Assistant Director,
Fisheries Department & Fisheries,
Welfare Department, Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in Na.Ka.No. 17172/F.3/2021-2, dated 26.10.2022 and the consequential impugned order of the third respondent in Na.Ka.No.1418/E/2018, dated 27.10.2022, quash the same and consequently, direct the respondents herein to restore the first year lease of Kudaganaru Reservoir in Dindigul District thereby extending the five years lease period accordingly.



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For Petitioner : Mr.V.Janakiramulu
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner was granted fishery rights in respect of the petition mentioned reservoir. The petitioner failed to pay the license fee for the second year. That led to passing of the impugned order cancelling the license itself. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that the shutters of the reservoir were defective and as a result, the reservoir could not hold water at all. To substantiate his contention, he drew my attention to the information elicited by him and it has been enclosed at Page No.57 of the typed set of papers. The assertion of the petitioner might as well be well founded. But on that score, I will not be justified in interfering with the impugned order of cancellation. If according to the petitioner, the authorities failed to maintain the reservoir in good condition and thus, violated their part of the obligation, the petitioner has to file civil suit for damages. The Writ Court will not be justified in re-writing the terms of the contract.



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4. Granting liberty to the writ petitioner to move the civil Court for claiming damages, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes/ No

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To

- 1.The Commissioner of Fisheries,
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Nandanam, Chennai 600 035.
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Fisheries Development & Fisheries,
Welfare Department, Madurai.
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