



W.P(MD)No.3199 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.3199 of 2023

T.Thulasidas

... Petitioner

VS.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Executive Engineer,
Public Works Department,
Water Resources Organisation,
Neiyyar Part-II,
Kuzhithurai,
Kanyakumari District.
- 3.The Assistant Executive Engineer,
Public Works Department,
Kothaiyaru River Basin Division,
Water Resources Organisation,
Seruppaloor,
Kanyakumari District.
- 4.The Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Neiyyar Part-II, Kuzhithurai,
Kanyakumari District.



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5.The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 4 from bringing the Perungulam Tank, Methukummal Village, Killiyoor Taluk, Kanyakumari District for fishing lease by considering the petitioner's representation dated 23.12.2022.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Mr.K.Balasubramani, learned Special Government Pleader, takes notice for the respondents.

2.By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.



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3.The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents 2 to 4 from bringing the Perungulam Tank, Methukummal Village, Killiyoor Taluk, Kanyakumari District for fishing lease by considering the petitioner's representation dated 23.12.2022.

4.According to the petitioner, he is a resident of Alakkattuvilai Veedu Village and the fourth respondent leased out the Perungulam Tank situated in Survey No.426 of Methukummal Village, Killiyoor Taluk, Kanyakumari District to the successful bidder for the period of three years from 2020-2023 and the said period expired on 21.01.2023. The Villagers used to take baths and wash their cattle in the Tank. However, the person, who got the fishing rights, has used to bring waste meat for the fishes food from a tempo and deposited the same in the Tank. Hence, the Tank was polluted and the same caused for creation of disease. With regard to the same, the petitioner sent a representation, dated 23.12.2022 to the respondents. Since the same has not been considered, the petitioner has filed the present Writ Petition.



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5.The learned Special Government Pleader appearing for the respondents submitted that the petitioner's representation, dated 23.12.2022 would be considered and appropriate action will be taken in accordance with law.

6. In view of the abovesaid submissions, the second respondent is directed to consider the representation of the petitioner, dated 23.12.2022 and pass appropriate orders, on merits and in accordance with law, after due opportunity of hearing to all the parties concerned. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. Till such time, the parties are directed to maintain *status quo* as on today.

7. With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,J.] [L.V.G.,J.]
16.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

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D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
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DATED : 16.02.2023