



W.P.(MD)No.11869 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.11869 of 2021

and

W.M.P.(MD).No.9314 of 2021

T.Manikandan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by the Secretary,
Departement of Rural Development,
Secretariat, Fort St.George,
Chennai- 600 009.

2.The Collector,
Theni District.

3.The Executive Engineer,
Public Works and Water Resource Department,
Manjular Vadinila Kootam,
Periyakulam.

4.The President,
Mayiladaumparai Panchayat,
Mayiladumparai,
Andipatti Taluk,
Theni District.

...Respondents



W.P.(MD)No.11869 of 2021

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 3rd respondent from taking coercive action to dispossess or prevent the petitioner from fish cultivation in Survey No. 162, Ammakulam tank, situated in Mayiladumparai revenue Village for a period from 2021 to 2024 .

For Petitioner : Mr.K.P.S.Palanivel Rajan

For Respondents : Ms.D.Farjana Ghoushia,
Special Government Pleader
(For R-1 to R-4)

ORDER

This writ petition has been filed for the issue of writ of mandamus forbearing the third respondent from taking any coercive steps to prevent the petitioner from fish cultivation in the subject property.

2. The case of the petitioner is that he participated in the auction conducted by the fourth respondent and he was granted lease for a period of five years. The same was also approved by the second respondent through proceedings dated 04.01.2021 by imposing necessary conditions.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondent Nos.1 to 4.



W.P.(MD)No.11869 of 2021

WEB COPY

4. The grievance of the petitioner is that the third respondent was attempting to terminate the lease granted in favour of the petitioner and interfered with the fish cultivation done by the petitioner. It is under these circumstances, the present writ petition has been filed before this Court.

5. In the considered view of this Court, the petitioner has participated in the auction and he has been given lease for a period of five year from 04.02.2019. This was also approved by the District Collector by imposing certain conditions. In view of the same, there is no ground for the third respondent to interfere with the lease that has been granted in favour of the petitioner during the subsistence of the lease.

6. In view of the above, there shall be a direction to the third respondent not to interfere with the lease that has been granted in favour of the petitioner during the subsistence of the lease. If ultimately, the lease granted in favour of the petitioner is sought to be cancelled, the same should be done only in accordance with law after putting the petitioner on



W.P.(MD)No.11869 of 2021

notice.

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7. This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

18.10.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The Secretary,
the State of Tamil Nadu,
Departement of Rural Development,
Secretariat, Fort St.George,
Chennai- 600 009.

2.The Collector,
Theni District.

3.The Executive Engineer,
Public Works and Water Resource Department,
Manjular Vadinila Kootam,
Periyakulam.

4.The President,
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W.P.(MD)No.11869 of 2021

N.ANAND VENKATESH, J

tsg

W.P.(MD)No.11869 of 2021

18.10.2023