



W.P.(MD).No.16085 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16085 of 2023

and

W.M.P.(MD).Nos.13476 and 13477 of 2023

Chelladurai

... Petitioner

Vs.

1.The Superintending Engineer,
(Public Works Department),
(C&M) Circle, PWD Compound,
Tirunelveli – 627 002.

2.The Executive Engineer,
(Public Works Department),
(C&M) Division, PWD Compound,
Tirunelveli – 627 002.

3.Arulmighu Subramania Swamy Temple,
TB Road, Tiruchendur – 638 215.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned communication issued by the third respondent vide Na.Ka.No. 3363/2022/E3-1 dated 15.06.2023 and quash the same as illegal and consequently for a direction, directing the respondents to



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extend the petitioner lease to a further period of two months for fish harvesting the two ponds belonging to the Tiruchendur Arulmigu Subramaniya Swamy Temple in Omanallur Village and Subramaniyapuram Farm and also to forbear the third respondent from calling for public auction to be held on 30.06.2023 for leasing out the fishery rights till 30.08.2023 in the two ponds belonging to the Tiruchendur Arulmigu Subramaniya Swamy Temple in Omanallur Village and Subramaniyapuram Farm.

For Petitioner : Mr.G.Anto Prince

For R-1 and R-2 : Mr.S.P.Maharajan,
Special Government Pleader.

For R-3 : Mr.MuthuGeethaiyan

ORDER

This Writ Petition is filed to quash the order dated 15.06.2023 and consequently direct the respondents to extend the petitioner's lease to a further period of two months for harvesting the fish from the two ponds belonging to the Tiruchendur Arulmigu Subramaniya Swamy Temple in Omanallur Village and Subramaniyapuram Farm and also to forbear the third respondent from calling for public auction to be held on 30.06.2023 for leasing out the fishery rights till 30.08.2023 in the aforesaid two ponds.



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2. The contention of the petitioner is that he was holding the fishing rights for the earlier period from 06.07.2022 to 30.06.2023. Due to drought, the petitioner could not complete his harvest within the prescribed period. The petitioner has challenged the public auction notice for the next period. The further contention of the petitioner is that if the time is extended for a period of one month, then the petitioner would complete the harvest of fish. This contention was refuted by the respondents by stating that there is no water in the pond. However, the petitioner circulated two photographs, in one pond, there is no water and in the other, there is sufficient water. It is seen, the respondents could not conduct the public auction for want of bidders with regard to the impugned notification dated 15.06.2023. The respondents are taking steps to conduct fresh public auction. Hence, the order impugned in this Writ Petition has become infructuous.

3. Therefore, this Court directs the petitioner to complete his harvest of fish within a period of ten (10) days from the date of receipt of a copy of this order. After completion of ten days, the petitioner will not be granted any further extension at all and if claimed the petitioner would be imposed heavy cost.



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4. The apprehension of the respondents is that the petitioner would draw the water out of the pond and would cause injury for the next lease period. Therefore, this Court is directing the petitioner not indulge in drawing the water out of the pond, which would hinder the eco-system. If such complaint is received, then appropriate action will be taken against the petitioner. With this stringent condition, the petitioner shall complete his fishing rights from 06.07.2023 to 15.07.2023.

5. With the above direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

Note: Issue Order Copy on 05.07.2023.



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S.SRIMATHY, J.

Nsr

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