



**W.P(MD)No.18486 of 2023**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 18.08.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.18486 of 2023 and**  
**WMP(MD) No.15323 of 2023**

A.Ramar

... Petitioner

**Vs**

The Assistant Director of Fisheries and  
Fishermen Welfare (Inland Fisheries),  
Office of the Assistant Director of Fisheries and  
Fishermen Welfare Department,  
Madurai,  
Madurai District.

...Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorified Mandamus, calling for the records pertaining to the impugned proceedings issued by the respondent vide Na.Ka.No. 1161/E/2023-4/7 dated 13.06.2023 and quash the same as illegal and unconstitutional and consequently directing the respondent to extend the time for deposit of second year deposit and welfare board deposit by four months period based on the petitioner's representation dated 18.07.2023.



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For Petitioner :Mr.P.Mahendran  
For Respondent :Mrs.D.Farjana Ghoushia  
Special Government Pleader

### **ORDER**

The petitioner is a licensee, declared as a highest bidder for fishing rights in respect of Samikulam Kanmoi, Kodimangalam Village for the Fasali years 1432, 1433 and 1434. The petitioner has approached this Court as against the notice dated 13.06.2023, calling upon this petitioner to pay a sum of Rs.11,55,000/- together with Rs.80,850/- on or before 31.07.2023 for the Fasali year 1433.

2.The case of the petitioner is that a Fasali year commences from first July of every year. Like wise, the Fasali year 1432 commences from 01.07.2022 to 30.06.2023, Fasali year 1433 commences from 01.07.2023 to 30.06.2024 and the Fasali year 1434 commences from 01.07.2024 to 30.06.2025. In this case, though the petitioner has been awarded as a licensee for fishing rights of Samikulam Kanmoi, Kodimangalam Village for the Fasali year 1432, which has to be necessarily commenced from 01.07.2023 to



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30.06.2023. However, the agreement was entered between the petitioner and the respondent only on 05.01.2023 and the petitioner was permitted to put seedlings and to start fishing operations from 05.01.2023. In view of the delay caused by the respondents in awarding licence to this petitioner for the Fasali year 1432, the petitioner could not reap any benefit for the first Fasali year. Therefore, the petitioner has requested the respondent to give a concession for the payment with respect to the Fasali year 1433 and the same was not accepted by the respondent. By the order impugned in this writ petition, the petitioner was directed to make payment on or before 31.07.2023. Therefore, the petitioner is before this Court.

3.This Court considered the case of the petitioner and entertained this writ petition and also granted an order of interim stay by order dated 31.07.2023. This Court has also directed the respondent to file a counter affidavit.



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4.In pursuance of the directions of this Court, the respondent has filed a Status report, dated 04.08.2023 stating that every year before issuing any notification calling for tenders from the public for allotment of fishing rights, the officials of this respondent department would inspect all the water tanks during July and August with regard to feasibility of catching fish and growth of the fish, safety measures available in respect of such tank and level of water more fully availability of Fish seeds which shall be dumped in large numbers in the tanks after allotment of work order for its growth and other vital factors. After such inspection and observing the above vital issues, a report would be sent to the Commissioner of Fisheries, Chennai, being the Head of the Department as per orders of the Government. In turn, the Commissioner of Fisheries after taking all the factors into consideration and conditions of monsoon existing and future monsoon conditions, in consultation with concerned subordinate officials and shall fix the upset price for leasing out various tanks and after approval by the Commissioner on



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such price and various other factors, this respondent would initiate necessary process for issuance of tender and conducting the tender process and thereby issue the lease deed with the highest bidder. In this case, due to some administrative delay, the lease deed was executed on 05.01.2023. This administrative delay is unforeseen and not at all willful and wanton.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner is a licensee for fishing rights in respect of Samikulam Kanmoi, Kodimangalam Village for the Fasali years 1432, 1433 and 1434. The notice issued by the respondent, dated 13.06.2023, calling upon this petitioner to pay a sum of Rs.11,55,000/- together with Rs.80,850/- on or before 31.07.2023 for the Fasali year 1433 is under challenge in this writ petition. A Fasali year commences from first July of every year. However, in this case, the agreement was entered between the petitioner and the



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respondent only in the month of January 2022 for the Fasali year 1432, thereby, the petitioner was not permitted to start fishing operations from 01.07.2022 to 05.01.2023. Therefore, the petitioner claims that he was not able to put seedlings in time and therefore, he was not in a position to start the fishing operation from the tank. On the other side, the respondent has taken a stand that there is an administrative delay in executing the agreement. However, the delay has not been explained properly in the status report. It is not known whether this administrative delay is genuine one or not. This Court is of the view that for the delay caused by the respondent, the petitioner cannot be penalized.

7. In view of the above, this writ petition is allowed. The impugned notice issued by the respondent in Na.Ka.No. 1161/E/2023-4/7 dated 13.06.2023 is set aside. The petitioner is permitted to pay the license fee in two installments as 50% of the amount on or before 31.08.2023 and the remaining 50% of the amount on or before 31.10.2023 without any deviation. No costs.



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Consequently, connected Miscellaneous Petition is closed.

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NCC :Yes/No

Index :Yes/No

Internet:Yes

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To

The Assistant Director of Fisheries and  
Fishermen Welfare (Inland Fisheries),  
Office of the Assistant Director of Fisheries and  
Fishermen Welfare Department,  
Madurai,  
Madurai District.



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**B.PUGALENDHI, J.**

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