



WP(MD)No.18252/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.18252/2014

A.Ranjithkumar

...Petitioner

Vs

1.Govt. of Tamil Nadu

Rep. by its Chief Secretary,
St.George Fort,
Secretariat, Chennai.

2.The Assistant Director of Fisheries (Inland Fisheries),
Vaigai Dam, Theni District.

3.The District Collector,
Theni District, Theni.

4.The Commissioner,
Fish Development,
DMS Complex, Teynampet,
Chennai - 06.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to Na.Ka.No.914/Aa/2014 dated 26.09.2014 on the file of the second respondent and quash the same and to direct the second respondent to pass an order extending the lease period of fishing right to the petitioner up to 19.04.2015 in Gudalure Mythili Mannadikulam



WP(MD)No.18252/2014

Kanmai (Ottankulam Kanmai), Uthamapalayam Taluk, Theni District by regularisation of three years lease period from 19.04.2012, which is the actual date of Auction.

For Petitioner : Mr.V.Nagendran

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

This Writ Petition is filed as against the order of the second respondent dated 26.09.2014, rejecting the request of this petitioner for extension of lease period and for a further direction to extend the lease period of fishing right to the petitioner up to 19.04.2015 in Gudalure Mythili Mannadikulam Kanmai (Ottankulam Kanmai), Uthamapalayam Taluk, Theni District

2. The petitioner has participated in the Auction for the lease of fishing right in Gudalure Mythili Mannadikulam Kanmai (Ottankulam Kanmai), Uthamapalayam Taluk, Theni District in the year 2011 and got the lease for a period of three years ie., from 01.07.2011 to 30.06.2014. By claiming that there was no rainfall in Theni District during the year



WP(MD)No.18252/2014

2012 - 2013 and the pond was completely dried, the petitioner sought for extension of lease period, which was rejected by the impugned order dated 26.09.2014, as against the same, the petitioner has preferred this Writ Petition.

3. The learned counsel appearing for the petitioner submits that since there was drought, this petitioner, who paid the lease amount to the respondents has not utilised the pond for fishing. Therefore, in all fairness, the respondents ought to have provided some extension of lease period to the petitioner.

4. The learned Additional Government Pleader referring to the counter affidavit, submits that as per the Tender conditions in paragraphs 11 and 14 insisted by the Fisheries Department, the Department would not be held responsible for any loss of cost to the bidder because of drought, flood, pouching, disease outbreak, natural calamities or death of fishes occurred due to insufficiency of water, etc. and that the lessee alone is responsible for the same.



WP(MD)No.18252/2014

5. Since it is purely a contractual obligation on the part of the lessee and the bidder and there are specific Tender conditions insisted by the Fisheries Department in paragraphs 11 and 14, the petitioner is not entitled for any extension of lease period. Furthermore, considering the fact that the period for which the lease extension is sought for is up to 19.04.2015, no further orders can be passed in this Writ Petition. Therefore, this Writ Petition is dismissed as infructuous. No costs.

08.03.2023

NCC: Yes / No
Index :Yes / No
Speaking Order : Yes / No
mbi



WP(MD)No.18252/2014

To

WEB COPY

1. The Chief Secretary,
Government of Tamil Nadu,
St. George Fort, Secretariat, Chennai.
2. The Assistant Director of Fisheries (Inland Fisheries),
Vaigai Dam, Theni District.
3. The District Collector,
Theni District, Theni.
4. The Commissioner, Fish Development,
DMS Complex, Teynampet,
Chennai - 06.



WEB COPY



WP(MD)No.18252/2014

B.PUGALENDHI, J.

mbi

WP(MD)No.18252/2014

08.03.2023