



WP(MD)No.8358 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.8358 of 2017

P.Muthukrishnan

... Petitioner

v.

The Assistant Engineer (PWD / WRO),
Maruthur Melakkal Division,
Thiruvaigundam,
Tuticorin District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 11.04.2017 and to enhance the fishery lease period for further 5 years in respect of the Vairavan Tharuvai and Puthan Tharuvai tank located at Sathankulam Taluk, Tuticorin District in the light of G.O.Ms.No.332, Animal Husbandry and Fisheries FS IV Department, dated 17.11.1993.



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For Petitioner : Mr.K.Sudalaiyandi

For Respondent : Mr.P.T.Thiraviyam,
Government Advocate

ORDER

The petitioner has taken lease of fishing rights in respect of Vairavan Tharuvai and Puthan Tharuvai Tank located at Sathankulam Taluk, Tuticorin District for the period from 01.03.2016 to 30.09.2016. According to him, he has invested more than Rs.11,00,000/- towards the growth of fish. Since the tank was maintained by the Public Works Department for the purpose of storing water only, the water in the tank was never used for agriculture purpose and in view of the high level of water quantity, he could not harvest the fishes from the tank in the said lease period. Therefore, the petitioner has made a representation to the respondent on 11.04.2017 seeking to enhance the fishery lease period for a further five years and alleging that the said representation has not evoked any response, he has moved this writ petition.

2.Heard the learned Counsel appearing on either side and perused the available materials.



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WEB COP 3.The petitioner, knowing very well about the nature of tank and its usage, has participated in the auction and became the successful bidder. Therefore, on the ground raised, his plea for extending the lease period could not be considered. Moreover, there is no provision for extension of lease period. If the petitioner has suffered any loss due to any unforeseen circumstances, the terms and conditions contained in the lease deed / tender conditions would follow. But, the petitioner neither referred about the tender conditions nor the provisions to extend the lease period.

Under such circumstances, this Court is not inclined to entertain this writ petition and the same is accordingly, dismissed. No costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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B.PUGALENDHI, J.

gk

To

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