



W.P.No.22139 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.22139 of 2024

V.Sundar David Raj

... Petitioner

Vs.

1.The District Collector,
Kancheepuram.

2.The Assistant Director,
Fisheries and Fisherman Welfare Department,
No.2/601A, East Coast Road, Neelankarai,
Chennai – 600 115.

3.The Executive Engineer,
WRO, Keezhpalaru Basin Division,
Kancheepuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to extend the contract of the petitioner for the Financial Year 2024-2025 by considering the petitioner's representation dated 11.06.2024.

For Petitioner : Mr.R.Kannan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents to extend the contract of the petitioner for the Financial Year 2024-2025 by considering the petitioner's representation dated 11.06.2024.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader, accepts notice on behalf of the respondents. In view of the consent expressed by the learned counsel appearing for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, he participated in the auction conducted by the 3rd respondent on 01.03.2023 for fishing in Gunduperumpedu Lake for the fasli year 1429 – 1430 Financial Year 2022 – 2023 and he was declared as the successful bidder. The fishing can be done only when the level of water comes down to 15 per cent of the total capacity of the lake, till then the petitioner cannot engage in fishing. During the year 2022 – 2023 as the level of water remained 85 per cent of the total capacity of the lake throughout the year, the petitioner was not allowed to engage in fishing. Therefore, the petitioner



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made a representation dated 11.06.2024 before the respondents seeking extension of contract for the year 2023 – 2024. Since the same was not considered, the petitioner has filed the above writ petition before this court for appropriate orders.

4. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the respondents to consider the petitioner's representation dated 11.06.2024 and pass appropriate orders, within a time frame that may be fixed by this Court.

5. Learned Special Government Pleader appearing for the respondents submitted that, for the year 2022 – 2023 and the same is expired and thereafter, the petitioner have no right to engage in fishing. As per the decision of this court, every year, the auction for fishing will be conducted. If at all the petitioner has any grievance, he has to workout the remedy before the civil court for the loss sustained by him. Without doing so, filing the present writ petition, is wholly unsustainable. Accordingly, he prays for dismissal of the writ petition.



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6. Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents and perused the materials available on record.

7. Admittedly, the petitioner was declared as the successful bidder in the auction conducted by the 3rd respondent on 01.03.2023 for fishing in Gunduperumpedu Lake for the Financial Year 2022 – 2023. It is claimed by the petitioner that the petitioner was not allowed to engage in fishing, since the level of water remained 85 per cent of the total capacity of the lake throughout the year 2022 – 2023. It is pertinent to note that, as per the decision of this court, the auction for fishing rights will be conducted for every year. Since the fishing rights of the petitioner for the financial year 2022 – 2023 was expired, he has no right to seek extension of the contract for the Financial Year 2024 – 2025. If at all the petitioner has any grievance, he has to workout the remedy before the competent civil court for the loss sustained by him during the financial year 2022 – 2023. Hence, the prayer sought for by the petitioner cannot be granted and this writ petition is liable to be dismissed.



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8. Accordingly, this Writ Petition is dismissed. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

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