



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : .26.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.4447 of 2024

and

WMP(MD)Nos.4274, 4275 & 4276 of 2024

S.Appadurai

... Petitioner

VS.

1.The Assistant Engineer,
Water Resources Department /
Public Works Department,
Chittar River Basin Division,
Pavoorchathiram,
Tenkasi District.

2.The Secretary to Government,
Revenue and Disaster Management
Department,
Chennai.

... Respondents

(2nd respondent is suo motu impleaded
vide order dated 26.02.2024)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned auction notification of the respondent in Ko.3-U.Po(P)-2024 dated 19.02.2024 and quash the same as illegal.



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For Petitioner : Mr.H.Arumugam

For Respondent : Mr.D.Gandhiraj,
Special Government Pleader for R1 & R2

ORDER

Heard both sides.

2.The petitioner was granted fishery rights over Manur Tank. Lease period commenced from 01.02.2019. It expired on 30.09.2023. The petitioner seeks extension of the lease period. He placed reliance on Condition No.20 of the auction notification which states that if the tank had been declared as drought affected, there will be a corresponding extension of the lease period by one year. The learned counsel for the petitioner states that on account of the drought, Manur tank had run completely dry during 2022-23. He therefore seeks extension of the lease period. Without considering the same, the respondent issued the impugned auction notification. Hence, it has been challenged on the ground mentioned above.

3.The learned Special Government Pleader appearing for the respondents on instructions submitted that Manur Tank is located in Tirunelveli District and that it has not been declared as drought affected and hence, the petitioner cannot claim extension.



4.I carefully considered the rival contentions and went through the materials on record.

5. Technically, the learned Special Government Pleader is right. Manur tank has not been declared as drought affected. But the materials on record appear to indicate that Manur Tank was also drought affected. However, it is not for the writ court to give any finding in that regard. It is only the Government that has to clarify the position. As on date, there is no declaration in favour of the petitioner in respect of the Manur Tank. The declaration made on 12.07.2023 states that Tenkasi District was declared as drought affected District. Manur Periyakulam Tank is in Tirunelveli District. The learned counsel for the petitioner pointed out that Manur Tank receives its supply channel from Tenkasi District and that if Tenkasi is drought affected area, Manur tank also will be affected. The auction notification was issued on 19.02.2024 and the auction is to be held on 29.02.2024. The petitioner can very well participate in the proposed auction without prejudice to his contention. The auction process shall not be finalized for a period of one week thereafter. In the meanwhile, the first respondent shall write to the Secretary, Revenue and Disaster Management Department, Chennai and obtain clarification if the Manur tank is also to be treated as drought affected. Based on the clarification from the Government, the auction process will be



finalized. The second respondent will provide clarification immediately. The auction proceedings will go on as per the schedule.

6.This writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

26.02.2024

Index : Yes/No
Internet : Yes/No
skm

Issue order on 28.02.2024.

To

- 1.The Assistant Engineer,
Water Resources Department /
Public Works Department,
Chittar River Basin Division,
Pavoorchathiram, Tenkasi District.
- 2.The Secretary to Government,
Revenue and Disaster Management
Department, Chennai.



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G.R.SWAMINATHAN, J.

skm

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26.02.2024