



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9141 of 2024 AND

W.M.P.(MD)No.8329 of 2024

L.Karunakaran

... Petitioner

Vs.

1. The Executive Engineer,
Water Resource Department,
Melavaipparu Dry Land Division,
Rajapalayam,
Virudhunagar District.
2. The Assistant Executive Engineer,
Water Resource Department,
Melavaipparu Dry Land Sub-division,
Rajapalayam, Virudhunagar District.
3. The Assistant Engineer,
Water Resource Department,
Irrigation Division-II,
Melavaipparu Dry Land Sub Division,
Rajapalayam, Virudhunagar District.
4. The Tahsildar,
Rajapalayam,
Virudhunagar District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from changing the lease right of fishing given to the petitioner under lease agreement dated 01.02.2023 over the Seththaneri Kanmoi, Kollangkondan Revenue Village, Ganapathysundranachiarapuram Hamlet



village, Rajapalayam taluk, Virudhunagar District, pending disposal of O.S.No. 100 of 2023 on the file of learned District Munsif, Rajapalayam.

For Petitioner : Ms.S.Meena

For Respondents : Mr.D.Sasikumar,
Additional Government Pleader.

* * *

ORDER

Heard both sides.

2. The petitioner has admittedly filed O.S.No.100 of 2023 on the file of the District Munsif, Rajapalayam. The petitioner wants this Court to pass restraint order against the respondents in view of the pendency of the said civil suit.

3. It is well settled that the final order passed under Article 226 of the Constitution of India cannot be in the nature of interim order (*AIR 1952 SC 12 (State of Orissa V. Madan Gopal Rungta)*).

4. I therefore permit the petitioner to pursue his remedy in the pending suit. The learned counsel for the petitioner states that the petitioner had already filed I.A.No.3 of 2023 seeking interim relief. It is also open to the petitioner to file a fresh IA seeking such relief. If such an IA is filed, it shall be numbered immediately and disposed of on merits and in accordance with law within a period of seven days on or before



23.04.2024. If necessary, the hearing date shall also be advanced.

Enquiry shall be conducted by the Court below on 18.04.2024. I make it clear that I have not gone into the merits of the matter. It is left to the discretion of the Court to pass appropriate order on merits and in accordance with law. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

Note : 1. Issue order copy on 15.04.2024.

2. Registry to mark a copy of this order to the District Munsif, Rajapalayam.

To:

1. The Executive Engineer,
Water Resource Department, Melavaipparu Dry Land Division,
Rajapalayam, Virudhunagar District.
2. The Assistant Executive Engineer,
Water Resource Department, Melavaipparu Dry Land Sub-division,
Rajapalayam, Virudhunagar District.
3. The Assistant Engineer,
Water Resource Department, Irrigation Division-II,
Melavaipparu Dry Land Sub Division, Rajapalayam,
Virudhunagar District.
4. The Tahsildar,
Rajapalayam, Virudhunagar District.



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G.R.SWAMINATHAN,J.

PMU

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