



WEB COPY



W.P(MD)No.20390 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20390 of 2024

and

W.M.P.(MD)Nos.17302 & 17304 of 2024

C.Rajakumar

... Petitioner

Vs.

The Assistant Engineer,
Water Resources Organization,
Public Works Department,
Kuzhithurai, Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent pertaining to the impugned proceedings in Letter No.243/Ko.23/2024, dated 30.07.2024 and to quash the same and consequently, to direct the respondent to extend the lease period for fishing rights in Machal Seram Tank, Neyyaaru Section-1 for a further period for 3 years from 01.09.2024 to 31.08.2027 by considering the representation of the petitioner dated 04.07.2024 by receiving 5% over and above the existing rate within a stipulated time fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.D.Gandhiraj,

Special Government Pleader



W.P(MD)No.20390 of 2024

WEB COPY

ORDER

The challenge has been made to the rejection order passed by the respondent dated 30.07.2024, rejecting the request of the petitioner to extend the lease period for fishing rights in Machal Seram Tank, Neyyaaru Section-1 for a further period of 3 years from 01.09.2024 to 31.08.2027.

2.It is the case of the petitioner that he was awarded with contract for fishing right in the Tank in question for the period of three years from 01.09.2021 to 31.08.2024 for sum of Rs.1,76,000/-. The said lease period expires on 31.08.2024. Therefore, the petitioner gave a request to the respondent to extend the lease period for further period on payment of 5% over and above the lease amount. The respondent, having considered, has rejected the representation of the petitioner. Hence, the petitioner is before this Court.

3.Heard the learned counsel on either side and perused the materials available on record.

4.At the outset, this Court is of the view that since the petitioner was granted lease only on the basis of the public auction for a definite period, as a matter of right, he cannot seek extension. Therefore, the relief as such sought



W.P(MD)No.20390 of 2024

for by the petitioner cannot be granted and the respondent shall conduct a public auction in the manner known to law.

5.Resultantly, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

28.08.2024

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

Yuva

To

The Assistant Engineer,
Water Resources Organization,
Public Works Department,
Kuzhithurai, Kanyakumari District.



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W.P(MD)No.20390 of 2024

N.SATHISH KUMAR, J

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W.P(MD)No.20390 of 2024

28.08.2024