



W.P.(MD) No.19752 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD) No.19752 of 2017

Esakki Duraichi ... Petitioner

-vs-

1.Rayagiri Town Panchayat,
Tirunelveli District,
Through the Executive Officer.

2.The District Collector,
Tirunelveli District.

3.The Secretary
Animal Husbandry and Fisheries Department,
Government of Tamilnadu,
Fort St.George
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records pertaining to the respondents in Na.Ka.No.196/2017, dated 11.09.2017, and quash the same and further direct the respondents to refund a sum of Rs. 1,07,000/- to the petitioner and issue further order of extension



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of lease of Melakarisalkulam to the petitioner for a period of 4 years, starting from 2017- 2018 to 2019, 2019-2020, 2020 and 2021, as per G.O.Ms.No. 332.

For Petitioner : Mr.T.S.R.Venkataramana

For Respondents : Mr.R.Suresh Kumar,
Addl. Govt. Pleader.

ORDER

This Writ Petition has been filed for issuance of a writ of certiorarified mandamus to call for the records pertaining to the first respondent in Na.Ka.No.196/2017, dated 11.09.2017, and quash the same and further direct the respondents to refund a sum of Rs. 1,07,000/- to the petitioner and issue further order of extension of lease of Melakarisalkulam to the petitioner for a period of 4 years, starting from 2017- 2018 to 2019, 2019-2020, 2020 and 2021, as per G.O.Ms.No.332.

2. Learned Additional Government Pleader, appearing for the respondents, placing reliance upon the counter affidavit filed by the first respondent, would submit that the prayer sought for in the writ petition has become infructuous. The relevant portion of the counter affidavit is extracted hereunder :



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"8. It is submitted that the petitioner herein had prayed for an extension of lease period for a further period of 4 years i.e., 2017-2018, 2018-2019, 2019-2020 and 2020-2021. But the petitioner was granted a lease for a period of only one year (2016-17) only. Hence the Melakarisalkulam Tank was auctioned for fishing rights vide Notification No.40/2006, dated 04.12.2017, and the lease was secured by one Mr.Vivekanandan for the year 2017-2018. And since there was a severe drought, the tank was not leased for fishing in the year 2018-2019. Hence the prayer in the above Writ Petition becomes infructuous as the tank had already been leased out in auction. Hence nothing survives in the Writ Petition."

3. At this juncture, learned counsel for the petitioner would submit that the petitioner may be permitted to file a representation before the respondents, seeking refund of the monies deposited.

4. Learned Additional Government Pleader would submit that if any representation is made by the petitioner before the authorities, the same would be considered and orders passed thereon in accordance with law, after putting the petitioner on notice.



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5. Recording the above submission, this Writ Petition is closed.
No costs. Consequently, the connected W.M.P.(MD) Nos.16020 of 2017 and 18137 of 2019 are also closed.

19.10.2024

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

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To:

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MOHAMMED SHAFFIQ, J.

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