



W.P.(MD)No.9837 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9837 of 2025
and WMP (MD) No.7336 of 2025

K.Narayanasamy

: Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary
to Government,
Department of Ex-Service Mens Welfare,
Secretariat,
Chennai - 09.

2. The District Collector,
Collectorate,
Virudhunagar District,
Virudhunagar Post and District.

3. The Executive Engineer,
Water Resource Organization / Public Works Department,
Mel Vaippar Basin Division,
Rajapalayam - 626 117,
Virudhunagar District.

4. The Assistant Executive Engineer, Water Resource Organization /
Public Works Department,
Mel Vaippar Basin Division,
Rajapalayam - 626 117,
Virudhunagar District.

5. The Inspector of Police,



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Seithur Police Station,
Seithur Post - 626 121,
Rajapalayam Taluk,
Virudhunagar District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to extent the fishery rights lease as per guidelines issued in G.O. Ms No. 201, Animal Husbandry, Dairying and Fisheries Department, dated 19.10.2017 and the dictum laid down by this Honble Court in Judgement dated 20.02.2020 made in WA (MD) No.219 and 220/2020 in respect of Seithur Pirakudi Tank, Seithur Mettupatti Village, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : Mr. M.Saravanakumar

For Respondents : Mr.C.Venkatesh Kumar

Spl. Government Pleader

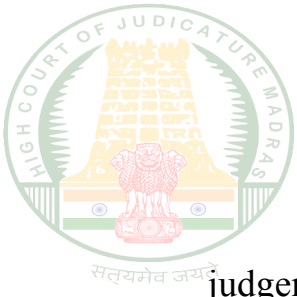
for R1 to R4

Mr.K.Gnanasekaran

Government Advocate (Crl.) for R5

ORDER

This Writ Petition has been filed seeking a direction to the respondents to extend the fishing rights lease as per guidelines issued in G.O. Ms No.201, Animal Husbandry, Dairying and Fisheries Department, dated 19.10.2017 and the dictum laid down by this Court in the



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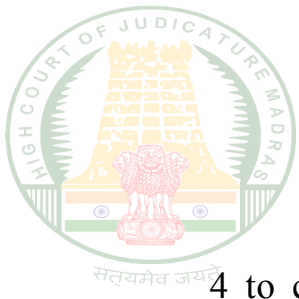
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judgement dated 20.02.2020 made in W.A (MD) No.219 and 220 of 2020 in respect of Seithur Pirakudi Tank, Seithur Mettupatti Village, Rajapalayam Taluk, Virudhunagar District.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he submitted a representation to the third respondent, requesting an extension of the lease period for fishing rights for a further five years, as was previously granted to him. However, the same was not considered. The grievance of the petitioner is that the respondents are now proposing to conduct an auction and grant the fishing rights to a third party. In this regard, he submitted a representation dated 22.12.2024 to the third respondent. However, as no action has been taken, the petitioner has now filed the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the respondents 3 and



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4 to consider the representation of the petitioner dated 22.12.2024 in accordance with the judgment of this Court in W.A (MD) Nos.219 and 220 of 2020, order dated 20.02.2020 and to pass appropriate orders by following the guidelines outlined in G.O.Ms No. 201, Animal Husbandry, Dairying, and Fisheries Department, dated 19.10.2017.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondents 3 and 4 to consider the petitioner's representation dated 22.12.2024, on its own merits and pass appropriate orders in accordance with law, in the light of the judgment of this Court



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in W.A (MD) Nos.219 and 220 of 2020, order dated 20.02.2020 and G.O.Ms No. 201, Animal Husbandry, Dairying, and Fisheries Department, dated 19.10.2017. The respondents 3 and 4 shall also give due opportunity to the petitioner, as well as all the other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents 3 and 4 to consider the same on its own merits.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.04.2025

Index : Yes / No

Internet : Yes / No

PKN



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Represented by its Principal Secretary
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VIVEK KUMAR SINGH, J.

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