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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2025

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**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**Writ Petition(MD)No.32200 of 2025**  
**and W.M.P(MD).Nos.25322 and 25324 of 2025**

A.Vijayakumar

..Petitioner

Vs

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

2.The Assistant Engineer,  
Water Resource Organization / Public  
Works Department,  
Mel Vaippar Basin Sub-Division,  
Irrigation Section No.II,  
Srivilliputhur - 626 125,  
Virudhunagar District.

..Respondents

**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 in pursuant to the impugned order passed by the 1<sup>st</sup> respondent in Ka.No. Tha2/695/2025 dated 05.08.2025 and quash the same and consequently direct the respondents to extent the fishery



rights lease for further period two pasali years 2025-2026 and 2026-2027 in respect of Kothankulam Tank, Kothankulam Village, Rajapalayam Taluk, Virudhunagar District, by considering G.O. (Ms).No. 332, Animal Husbandry and Fisheries (FS-IV) Department dated 17.11.1993 and G.O.(Ms).No. 05, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FS, 6-1) Department dated 30.01.2025.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.D.Sasikumar  
Additional Government Pleader

### **ORDER**

This writ petition has been filed to quash the impugned order passed by the 1<sup>st</sup> respondent in Ka.No. Tha2/695/2025 dated 05.08.2025 and consequential direction to the respondents to extent the fishery rights lease for further period two pasali years 2025-2026 and 2026-2027 in respect of Kothankulam Tank, Kothankulam Village, Rajapalayam Taluk, Virudhunagar District, by considering G.O. (Ms).No. 332, Animal Husbandry and Fisheries (FS-IV) Department dated 17.11.1993 and G.O.(Ms).No. 05, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (FS, 6-1) Department dated 30.01.2025.



2. Heard the learned counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who takes notice on behalf of the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that he is the lessee of the aforesaid tank. The fishery lease was granted to him by the second respondent on 24.02.2023 and the same was ended on 30.06.2023. Subsequently, the said lease was extended for a period of two years on his depositing the enhanced lease amount. According to the petitioner, as per G.O.Ms.No.332, Animal Husbandry and Fisheries Department, dated 17.11.1993, the fishery lease will have to be extended for a period of five years. In this regard, the petitioner sent a representations to the second respondent on 06.09.2024 and 19.03.2025 seeking to extend the lease for a period of five years. However, the respondents orally informed the petitioner that there is no provision in the department to extend the fishery rights for 5 years. Hence, the petitioner filed W.P(MD).No.18063 of 2025 before this Court seeking direction to the respondents to consider his representation dated 06.09.2024 and 19.03.2025. This Court by order dated 08.07.2025, has passed the following order:



*“Therefore, the petitioner is directed to submit a representation within a period of one week from the date of receipt of a copy of this order. The respondents shall consider the same in the light of the G.O.(Ms).No.332, Animal Husbandry and Fisheries(FS-IV) Department, dated 17.11.1993, within a period of four weeks therefrom. **If the respondents have considered any similar case to some other person, the respondents shall consider the petitioner also without discrimination in accordance to law.**”*

4. On the contrary to the aforesaid order, the first respondent, who has extended the fishery lease period in favour of third party, Devaraj, vide proceedings dated 28.04.2021 as per the aforementioned Government Order, rejected the petitioner's claim stating that the fishery lease is three years and therefore, the extension of two years cannot be granted, which is contrary to the principles of natural justice.

5. A perusal of the impugned order clearly demonstrates that the earlier direction issued by this Court in W.P(MD).No.18063 of 2025 has not been taken in to consideration as also the extension of lease granted in favour of one Devaraj by quoting the very same Government Order. Therefore, the impugned order is set aside and the matter is remitted back to the first respondent for fresh consideration, especially taking



note of the order passed by this Court in W.P(MD).No.18063 of 2025 as well as the extension granted to Deveraj and order will be passed within three weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**13.11.2025**

NCC : Yes/No  
Index : Yes/No  
Internet:Yes  
*Rmk*

To

1.The Executive Engineer,  
Water Resource Organization / Public  
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2.The Assistant Engineer,  
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**P.T.ASHA, J.**

*Rmk*

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