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W.P.(MD)No.33854 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.33854 of 2025

and

W.M.P.(MD)Nos.26755 and 26756 of 2025

G.Devaraj

... Petitioner

Vs.

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

2. The Assistant Executive Engineer,
Water Resource Organization/
Public Works Department,
Mel Vaippar Basin Sub-Division,
Rajapalayam - 626 117,
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, calling for the records in pursuant to the impugned order passed by the first respondent in Letter No.Thal/Ko.181(723)/2025 dated 14.08.2025 and quash the same and consequently direct the respondents to extend the fishery rights lease for further period of two years in accordance with G.O.(Ms)No.201, Animal Husbandry and Fisheries (FS-IV) Department,



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dated 19.10.2017, in respect of Karungulam Tank, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by Mr.P.Thambidurai
Government Advocate

ORDER

The Writ Petition is filed challenging the impugned order dated 14.08.2025 and quash the same and consequently directing the respondents to extend the fishery rights for a further period of two years in accordance with G.O.(MS)No.201 Animal Husbandary and Fisheries (FS-IV) Department dated 19.10.2017, in respect of Karungulam Tank, Rajapalayam Taluk, Virudhunagar District.

2. In this writ petition, after hearing both sides, this Court had dictated an order in open Court. However, before the same could be transcribed and uploaded in the website, on the very same day, the learned Government Advocate appearing for the respondents submitted that certain facts were not brought on record. Since the order had not



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been finalised by this Court, the matter was posted under the caption “For Being Mentioned”. Thereafter, both sides argued the matter in detail and the present order is being passed.

3. I have heard the learned counsel for the petitioner.

4. The case of the petitioner is that Karungulam Tank is situated in Rajapalayam Taluk, Virudhunagar District. The said Tank was to be auctioned for the period from 2020 to 2025. However, in view of the COVID-19 pandemic, the auction could take place only in January 2021. On 12.01.2021, the auction proceedings were completed and upon the petitioner being the successful bidder, possession of the Tank was handed over to him on the same day. However, the lease period was reckoned from 01.07.2020 upto 30.06.2025 and the lease rent was also collected from the petitioner by calculating it from 01.07.2020. Therefore, according to the petitioner, since he was deprived of the opportunity to harvest fish for about seven months, the same should be compensated.



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5. The second contention of the learned counsel for the petitioner is that during the lease period, the year 2020 was declared as a drought year and Virudhunagar District was declared as a drought affected area. Similarly, for another year 2023 also, Virudhunagar District was declared as a drought affected area. In view of the same, by virtue of G.O.(Ms)No.201, Animal Husbandry and Fisheries (FS-IV) Department, dated 19.10.2017, which frames the scheme governing such leases, if any year is declared as a drought year by the Government and the lease amount has been paid by the lessee, the lease period has to be suitably extended. Therefore, according to the petitioner, he would be entitled to three benefits, namely, extension for two drought years and for the non-exploited period resulting from the delay in conducting the auction.

6. The learned counsel for the petitioner would further submit that even after the petitioner was put in possession of the Tank, there was once again a COVID-19 lockdown and for that period also, the petitioner is entitled to extension.

7. The writ petition is resisted by the respondents. The learned Additional Advocate General would submit that with reference to the



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belated handing over of the Tank, it is true that the petitioner was handed over possession of the Tank after a delay of five months and twelve days.

However, it must be seen that, by way of compensation, even though the petitioner's lease period ended on 30.06.2025, he has been continuing the harvesting of fish and other activities in the Tank even as on date. Therefore, when the petitioner's lease period ought to have come to an end on 30.06.2025, he has now enjoyed the Tank for nearly eight additional months and the ninth month is also partly over.

8. As far as the contentions relating to the drought period are concerned, the learned Additional Advocate General would submit that during those years, only certain parts of Virudhunagar District were declared as drought affected areas. As far as Rajapalayam Taluk is concerned, it was not affected by drought and it was not declared as such. The Tank in question was full during the relevant period as usual. Therefore, the petitioner cannot claim any benefit under G.O.(Ms)No. 201, Animal Husbandry and Fisheries (FS-IV) Department, dated 19.10.2017. In the absence of any benefit under the said Government Order, the contractual clauses would apply and, as per the conditions governing the present lease, no further extension can be granted.



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Therefore, the Government has now issued a notification for auctioning the Tank on 02.04.2026.

9. I have considered the rival submissions made on either side and perused the material records of the case.

10. As far as the stand taken in the counter affidavit that the clauses in the tender notice would govern the parties is concerned, I am of the view that, as rightly contended by the learned counsel for the petitioner, when G.O.(Ms)No.201, Animal Husbandry and Fisheries (FS-IV) Department, dated 19.10.2017 generally frames the regulations governing the auction of fishing rights, the said Regulations will apply. The relevant terms and conditions of the said Government Order read as under:-

"(XV) During the lease period, if any one of the years is declared as Drought Year by the Government and the lease amount has been paid by the lessee for the particular year in advance, then the lease period shall be extended by one year without lease amount."

11. In view thereof, the further question that arises for consideration is whether the petitioner was affected by drought or not.



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12. In this regard, the Notification dated 12.07.2023 published in the Tamil Nadu Government Gazette Extraordinary bearing No.267, Part II, Section 1 has been placed before this Court. In the said Notification, insofar as Virudhunagar District is concerned, only Narikudi and Tiruchuli Taluks were notified as having agricultural drought of a moderate nature. Therefore, it can be seen that the entire District was not declared as a drought-affected District and the Tank in question is situated in Rajapalayam Taluk. It is asserted by the respondents that the Tank was full as usual and that even as on date, there is sufficient water in the Tank and fishing activity is going on.

13. With reference to the year 2023, a counter affidavit has also been filed, wherein it is stated that only 10 Blocks of Virudhunagar District were declared as rainfall deficient, while excess rainfall was recorded in 6 Blocks and large excess rainfall in 5 Blocks. As far as the Rajapalayam Taluk is concerned, the same does not fall within the deficient Blocks. Therefore, it cannot be said that the said area was drought-affected even for the year 2023.



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14. In view of the above, I am of the view that the petitioner is not entitled to extension on the ground that the area was drought-affected. However, the learned counsel for the petitioner is right in contending that for the period affected due to the delay in conducting the auction, for which the lease amount had also been paid, and also for the subsequent COVID-19 pandemic period, the petitioner may be entitled to some extension.

15. Even considering the same, when there was a delay of 5 months and 12 days in handing over possession, it can be seen that the petitioner is already in excess possession and enjoyment of the leasehold rights for nearly eight months. Therefore, the petitioner is permitted to exercise his fishing rights until **31.03.2026**. The auction is scheduled to be conducted on 02.04.2026. It will also be open to the petitioner to participate in the said auction.

16. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Neutral Citation : No
smn2

16.03.2026



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To

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

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D.BHARATHA CHAKRAVARTHY, J.

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