

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3378/2015 & MP.Nos.1&2/2015

K.Gurusamy

..

Petitioner

Versus

The Commissioner of Fisheries
Administrative Office Buildings
DMS Complex, Anna Salai,
Teynampet, Chennai 600 006.

Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records of the respondent pertaining to tender cum auction notice dated 09.01.2015 in Na.Ka.No.29400/F3/2014 with regard to the leasing of fishery rights of Mettur Dam published in Dinamani dated 14.01.2015, Dharmapuri and quash the same.

For Petitioner : Mr.S.Kalyanaraman

For Respondent : Mr.V.Jayaprakash Narayanan, Spl.G.P

ORDER

Heard Mr.S.Kalyanaraman, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner challenges the order passed by the respondent dated 14.01.2015, with a prayer to quash the same.

3.The petitioner is said to have been engaged in fish trade for over 25 years and he is a bidder for the sale of fish through tender-cum-auction by the Mettur Dam Fishermen Cooperative Society. The petitioner has challenged the Tender-cum-auction notification issued by the Fisheries Department in respect of grant of fishery rights in Mettur Dam in Salem District. The only ground on which the petitioner challenges the said impugned order is by contending that Clause [1] of the Tender Notification is vague and does not prescribe the boundaries within which the rights are to be granted. For better appreciation, Clause [1] of the Tender Notification is extracted here

under:-

"1.Tender-cum-auction will be conducted by the Tamil Nadu Fisheries Department to lease out the fishery rights of the Mettur Dam in Salem District [excluding Sanctuary / Reserve Forest area and any protected area as notified by Forest Department] on lease basis for a continuous period of 5 years to the successful Tenderer."

4.On a perusal of the above clause, it is seen that the tender-cum-auction will be conducted by the Tamil Nadu Fisheries Department to lease out the fishing rights of the Mettur Dam in Salem District, excluding Sanctuary/Reserve Forest area and Protected Area as notified by the Forest Department, on lease basis, for a period of 5 years to the successful tenderer.

5.I am of the view that the notification has clearly said so the rights which are to be granted and the areas in which the rights has to be granted. The Notification clearly states that the rights are to be granted in the Mettur Dam in Salem District and the areas which have been excluded are Sanctuary/Reserve Forest area/Protected area as notified by the Forest Department. In such circumstances, it cannot be stated that the notification is vague.

6.Therefore, no ground is made out by the petitioner to quash the impugned notification dated 09.01.2015. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-
Asst.Registrar

/true copy/

सत्यमेव जयते Sub Asst. Registrar

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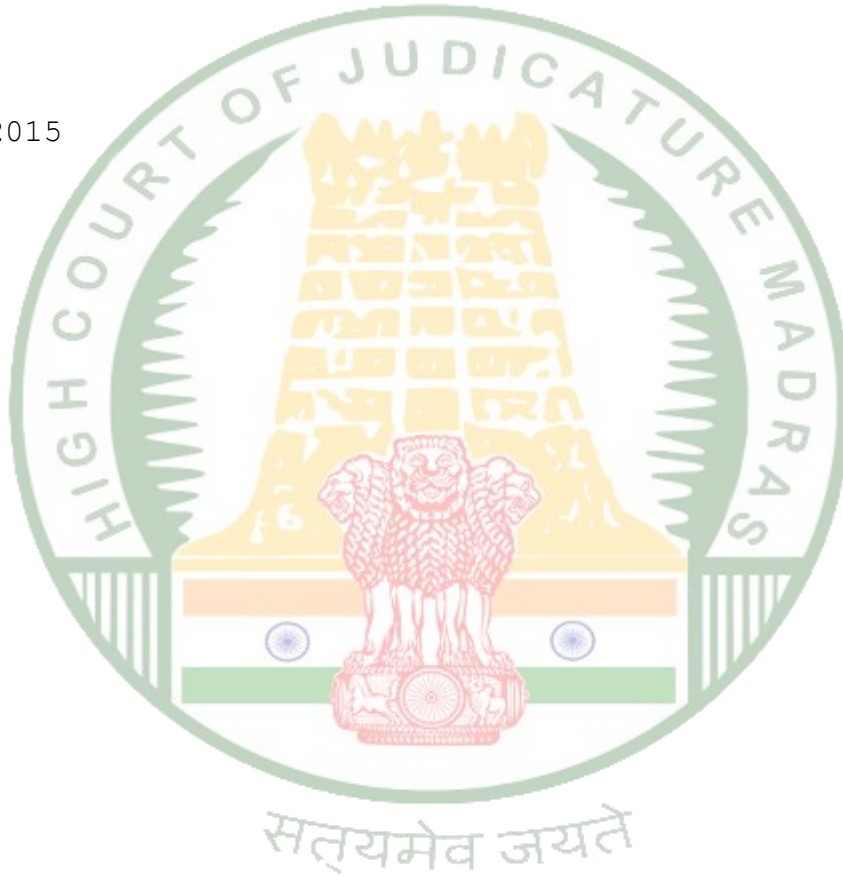
AP
To
The Commissioner of Fisheries
Administrative Office Buildings
DMS Complex, Anna Salai,
Teynampet, Chennai 600 006.

+ 1 C.C. TO MR.S.Kalyanaraman Advocate Sr.7227

+ 1 C.C. TO Government Pleader Sr.7460

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KK[CO]
SD 23/02/2015



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