

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.04.2015

Coram

The Hon'ble Mr. Justice **T.S. SIVAGNANAM**

W.P. No.13313 of 2014 &
W.P.Nos.28943 & 35256 of 2013

W.P.No.13313 of 2014

Mrs.M.Geetha

.. Petitioner

Vs

1.The District Collector,
Collectorate Office,
Villupuram.

2.The Director of Fisheries,
Administrative Office,
DMS Campus, Teynampet,
Chennai – 600006.

3.Murugan

4.Prasanna Venkatesh

.. Respondents

R3 & R4 impleaded as per order dated 12.11.2014 in M.P.Nos.2&3 of 2014 in W.P.No.13313 of 2014.

Prayer:-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents to provide adequate security for carrying out fishing operation pursuance to the grant of fishing rights for a period of five years in Vidur Reservoir.

For Petitioner .. Mr.M.Venkatakrisnan

For Respondents .. Mr.R.Vijayakumar
Addl. Government Pleader for R1

Mr.M.Kemprij for R2

W.P.No.28943 of 2013

Mr.Murugan

.. Petitioner

Vs

1.State of Tamil Nadu,
Rep., by its Director,
Tamil Nadu Fisheries Department,
DMS Campus, Anna Salai,
Chennai.

2.Mrs.Geetha

.. Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the first respondent reject the tender/bid offered by the second respondent for fishing rights in VIDUR Reservoir in Villupuram District.

For Petitioner .. Mr.M.Venkatakrisnan

For Respondents .. Mr.R.Vijayakumar
Addl. Government Pleader for R1

W.P.No.35256 of 2013

S.Prasanna Venkatesh

.. Petitioner

Vs

1.Government of Tamil Nadu,
Rep., by its Secretary to Government,
Fisheries Department,
Fort St., George,
Chennai – 600 009.

2.Tamil Nadu Fisheries Development Corpn., Ltd.,
Rep., by Director of Fisheries,
Administrative Office Buildings,
DMS Campus, Anna Salai,
Chennai – 600 006.

3.R.Mathaiyan

4.M.Geetha

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents 1 and 2 to consider the petitioners complaint dated 14.12.2013 immediately conducting an investigation into the irregularities in conducting the auction regarding leasing out of the Fishery Rights of Vidur Reservoir in Villupuram District 2013 in favour of fourth respondent who is the wife of the third respondent who was already black listed, cancel the same and conduct a fresh auction for the fishing rights in a fair and transparent manner, after affording due opportunity to all the parties interested.

For Petitioner .. Mr.M.P.John Peter

For Respondents .. Mr.R.Vijayakumar
Addl. Government Pleader for R1

Mr.M.Kemp raj for R2

Mr.M.Venkatak Krishnan for RR3&4

COMMON ORDER

By consent of the learned counsels on either side, the writ petitions are taken up for final disposal.

2. The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus, to direct the respondents to provide adequate security for carrying on the fishing operations pursuant to the grant of fishing rights for a period of five years in Vidur Reservoir.

3. The second respondent Department called for tender cum auction for the fishing rights in Vidur Reservoir for a period of five

years. The last date for submission of tenders was fixed on 23.07.2013 by 11.a.m. The petitioner and one R.Murugan submitted their bids. The petitioner's offer was Rs.6,87,000/- whereas Mr.Murugan, the third respondent offered Rs.6,83,000/-. The petitioner's offer was declared as a highest bid. In the mean time, one Thangarasu filed a Writ Petition in W.P.No.20495 of 2013, stating that he had offered a sum of Rs.9,00,000/-, the second respondent refused to accept the higher offer. The said Writ Petition was entertained and an order of interim stay was granted till 05.08.2013. Subsequently, said Mr.Thangarasu withdrew the Writ Petition and the same was dismissed on 23.08.2013. Subsequently, the auction in favour of the petitioner M.Geetha was confirmed vide order dated 04.10.2013 and the petitioner has effected the necessary payments through demand draft for a total sum of Rs.8,19,080/-. On accepting the said amount, the second respondent has also entered into a lease deed with the petitioner on 25.10.2013. Pursuant to which the petitioner was permitted to enter the Reservoir by the Assistant Director of Fisheries, Villupuram by order dated 04.11.2013. Much after this, the third respondent Murugan filed a Writ Petition in W.P.No.28943 of 2013, to direct the first respondent to reject the bid offered by the petitioner M.Geetha, who was impleaded as the second respondent in his Writ

Petition. The only ground on which such prayer was sought for is by stating that the petitioner Geetha's husband Mathaiyan has been blacklisted by the respondents.

4. As per Counter affidavit filed by the Director of Tamil Nadu Fisheries Department in W.P.No.28943 of 2013, the petitioner Geetha's husband has not been blacklisted nor the petitioner Geetha was blacklisted. Therefore, the basis of the Murugan's Writ Petition in W.P.No.28943 of 2013 is not sustainable. Furthermore, Writ Petition has been filed for the prayer to reject the tender much after the tender was confirmed in favour of the petitioner Geetha and lease deed was executed on 25.10.2013. Hence, W.P.No.28943 of 2013 is dismissed.

5. Another Writ Petition has been filed by S.Prasanna Venkatesh in W.P.No.35256 of 2013, wherein a prayer has been made to direct the official respondents to consider the complaint made by him alleging irregularities in the conduct of the auction for leasing out the fishing rights of Vidur Reservoir. In this Writ Petition also, the same allegation that the petitioner Geetha's husband has been blacklisted has been made.

6. Firstly it has to be pointed out that the petitioner S.Prasanna

Venkatesh was not one of the person, who participated in the tender neither he states that the Writ Petition is a nature of the Public Interest Litigation. It is also not known as to how he is interested in the matter, more particularly, when he has averred about the Writ Petition filed by Mr.Thangarasu which has subsequently withdrawn and the Writ petition filed by Mr.Murugan etc. Therefore, it is evident that the Writ Petition filed by S.Prasanna Venkatesh in W.P.No.35256 of 2013 is a proxy litigation. Hence, no relief can be granted to the petitioner in the said Writ Petition. Accordingly, W.P.No.35256 of 2013, is dismissed.

7. This leaves us with Geetha's Writ Petition in W.P.No.13313 of 2014, wherein she has prayed for providing adequate security for carrying out the fishing operation. The Assistant Commissioner of Fisheries in his counter affidavit filed in W.P.No.13313 of 2013, has stated that the petitioner can enjoy fishing rights for five years and already the department has given proper protection. Further, there is a reference to the communication of Assistant Director of Fisheries, Villupuram vide letter dated 23.02.2015, addressed to the Revenue Divisional Officer, Tindivanam, to given proper protection to the petitioner Geetha and the Police officials have also assured necessary

protection would be given.

8. In the light of the stand taken by the Assistant Director of Fisheries in the counter affidavit, nothing more is required to be done except to record the said submission and accordingly, the Writ Petition stands disposed of, by directing the authorities to provide adequate protection to the petitioner to carry on fishing operations as stated by them in the counter affidavit.

In the result, W.P.Nos.28943 & 35256 of 2013 are dismissed and W.P.No.13313 of 2014 is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index :Yes/No

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4. Government of Tamil Nadu,
Rep., by its Secretary to Government,
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5. Tamil Nadu Fisheries Development Corpn., Ltd.,
Rep., by Director of Fisheries,
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