



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2015

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD).No.19914 of 2014

WEB COPY

M.Thirumalai Palpandian

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Petitioner

Vs

1.The Commissioner of Fisheries,
Fisheries Department,
DMS Compound, Teynampet,
Chennai-6.

2.The Assistant Director of Fisheries,
Theni, Camp at Vaigai Dam,
Theni District.

...Respondents

Prayer- The Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the Impugned Order vide Na.Ka.No.33902/F2/2012 dated 16.10.2014 on the file of the 1st respondent and quash the same as illegal and consequently direct the Respondents to immediately reimburse the bid amount of Rs.6,56,000/- with 5% bid amount of Welfare Scheme and other amounts deposited by the petitioner.

For petitioner

: Mr.P.Muthuvijayapandian

For respondents

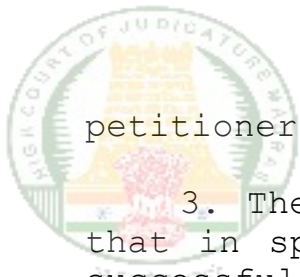
: Mr.S.Sadeesh Kumar

Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner to challenge the Impugned Order in Na.Ka.No.33902/F2/2012 dated 16.10.2014 on the file of the 1st respondent and consequently, a direction to the respondents to reimburse the bid amount of Rs.6,56,000/- as well as other amounts deposited by the petitioner.

2. It is the specific case of the petitioner that the petitioner is a successful bidder for fishing rights related to the ponds in Theni District. The petitioner deposited the bid amount and the agreement for fishing was also got registered as Document No.185/2012. But no order has been issued by the respondent to commence fishing. Hence, the petitioner sought reimbursement of his bid amount of Rs.6,56,000/- and other amounts deposited by him. Since the respondents denied the same citing pendency of W.P.No.787 of 2012 filed by the rival parties, the



petitioner has come before this Court.

3. The learned counsel appearing for the petitioner submitted that in spite of the fact that the petitioner was declared as a successful bidder, the respondents had not issued any order to commence fishing and hence, the bid amount and other amounts have to be refunded to the petitioner.

4. On the other hand, the learned Additional Government Pleader appearing for the respondents submitted that there is no provision to refund the bid amount.

5. Heard the learned counsel appearing on either side.

6. Admittedly, the petitioner was declared as a successful bidder. But no order was issued in his favour despite the deposit made by the petitioner. Having received the amount and failed to pass orders in favour of the petitioner though he was declared the successful bidder, the department is not expected to retain the deposited amount. Pendency of writ petition filed by the rival parties may not be a bar to return the deposited amount. Hence, the respondents are directed to refund the entire amount deposited by the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

Skn

To

1. The Commissioner of Fisheries,
Fisheries Department, DMS Compound,
Teynampet, Chennai-6.

2. The Assistant Director of Fisheries,
Theni, Camp at Vaigai Dam,
Theni District.

+1cc to MR.MUTHU VIJAYA PANDIAN, Advocate Sr.No 41041

JAM/JGB-AAL/LIB/2P-4C

W.P (MD) .No.19914 of 2014
23.07.2015