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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.23150 of 2015

T.Kasi Anandan

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by the Secretary to Government,
Public Works Department,
Fort St., George,
Chennai 600 009.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The Assistant Engineer,
Public Works/Water Sources Department,
Manimutharu Canal Division,
Moolaikaraipatti,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the third respondent in Ka.No.Ko.11/2015/Vu.Po.(MU)-1, dated 12.12.2015 and quash the same.

For Petitioner	: Mr.R.Balakrishnan
For Respondents	: Mr.M.Govindan, Special Government Pleader.

ORDER

(Order of the Court was made by **V.RAMASUBRAMANIAN, J.**)

The President of Water Users Association of a canal in Kurugalberi, Asirvathapuram Post, Thoothukudi District has come up with the above writ petition challenging a public notice for the auction of fishing rights in certain tanks.

<https://hcservices.ecourts.gov.in/Hcservices/> Mr.R.Balakrishnan, learned counsel for the petitioner. Mr.M.Govindan, learned Special Government Pleader takes notice for the respondents.



3.The main grievance of the petitioner is that when the water level is high, the successful bidders in the auction will release excess water for their own benefits spoiling the agricultural activities. If the water level is low, the successful bidders will not release water for agriculture. Therefore, according to the petitioner, in both ways, the agriculture will get spoiled. In other words, the demand of the petitioner is that there shall be no auction of fishing rights or there shall be no fishing activity at all in the tank. Such a prayer cannot be entertained.

4.It is true that the successful bidders who bag the rights to harvest fishing from the tanks may not bother about the agricultural activities. But that should be taken care of by the respondents by imposing certain conditions and also putting in place a monitoring mechanism. It is also stated by the learned Special Government Pleader that on the objections of the petitioner, a peace committee meeting was conducted on 20.12.2015 and that auction has been postponed. According to the learned Special Government Pleader, this is a private interest litigation where the petitioner wanted a limited auction to be conducted for the benefit of only local-aids.

5.Therefore, we do not wish to entertain this public interest litigation. The grievances of the petitioner are taken care of by way of conditions 9 and 10 in the public auction notice. The respondents shall form a committee for ensuring strict compliance with those conditions.

6.With the above observation, the writ petition is dismissed. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(P&A)

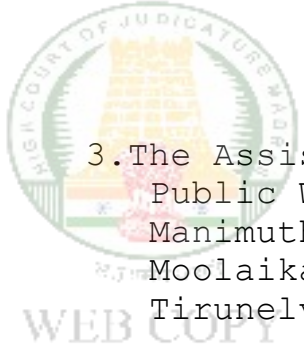
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Sub Assistant Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
Public Works Department,
Fort St., George,
Chennai 600 009.

2.The District Collector,
Tirunelveli District,
Tirunelveli.



3.The Assistant Engineer,
Public Works/Water Sources Department,
Manimutharu Canal Division,
Moolaikaraipatti,
Tirunelveli District.

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+1cc to Mr.R.BALAKRISHNAN, Advocate Sr.No. 76359

+1cc to Spl.GOvernemnt Pleader Sr.No. 76387

SMS

AA/SKS-RR/SAR-I/06.01.2016/3p-6c

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