

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH

W. P. Nos. 2265, 17695 & 17773 of 2016 and Cont. P.No.1226 of 2016 &
W.M.P.Nos.1961 & 13277, 15402 & 15456 of 2016, Sub Appl.Nos.244 & 275
of 2016

W.P.No.2265 of 2016

R.Harichandran

... Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Commissioner,
Veerapandi Panchayat Union,
Veerapandi, Salem District.

3.The Additional Director of Village
Panchayat, Collectorate Building,
Salem District, Salem.

4.Mr.Selvam

5.R.Elango

.... Respondents

W.P.No.17695 of 2016

R.Harichandran

... Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Additional Director of Village
Panchayat, Collectorate Building,
Salem District, Salem.

3.The Commissioner,
Veerapandi Panchayat Union,
Veerapandi, Salem District.

4.The Inspector of Police,
Kondalampatti Police Station,
Salem District.

5.M.Pichandi

6.Mr.Jayapal

Commissioner, Veerapandi Panchayat Union,
Veerapandi, Salem District.

7.Mr.Selvam, President of Puthur Akragaram Village,
Veerapandi panchayat Union, Salem District.

8.R.Elango ... Respondents

W.P.No.17773 of 2016

R.Elango ... Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Commissioner,
Veerapandi Panchayat Union,
Veerapandi Salem District.

3.The Additional Director of Village
Panchayat, Collectorate,
Salem District.

4.The Inspector of Police,
Kollampatti Police Station,
Salem District-636 010.

5.R.Harichandran ... Respondents

Contempt Petition No.1226 of 2016

R.Harichandran ... Petitioner

Vs.

1.Mr.V.Sampath,
The District Collector,
Salem District, Salem.

2.Mr.Jayapal, Commissioner,
Veerapandi Panchayat Union,
Veerapandi, Salem District.

3.Mr.Pichandi, Additional Director of Village
Panchayat, Collectorate Building,
Salem District, Salem.

4.Mr.Selvam,
President of Puthur Akragaram Village,
Veerapandi Panchayat Union, Salem District.

5.R.Elango .. Respondents

Writ petition in W.P.No.2265 of 2016 has been filed under Article 226 of The Constitution of India to issue a Writ of certiorarified mandamus to call for the records from the 2nd respondent in his proceedings Na.Ka.No.1345/15/A2 dated 30.11.2015,

quash the same and to issue consequential direction to the first respondent to conduct a fresh Public Lease Auction for fishing rights at Puthur Yeri, Salem District.

Writ petition in W.P.No.17695 of 2016 has been filed under Article 226 of The Constitution of India to issue a Writ of certiorarified mandamus to call for the records from the third respondent in his proceedings Na.Ka.No.355/2016/A2 dated 02.05.2016 (received on 04.05.2016), quash the same and issue consequential direction to the first respondent to take legal action against the respondents 5 to 7 in accordance with law.

Writ petition in W.P.No.17773 of 2016 has been filed under Article 226 of The Constitution of India to issue a Writ of mandamus forbearing the fourth respondent from interfering in the petitioner's fishing rights granted to catch fish in Puthur Yeri by the second respondent in his proceedings in Na.Ka.No.1345/15/A2 dated 30.11.2015.

Contempt petition No.1226 of 2016 is filed under Section 11 of the Contempt of Courts Act, 70/71 to punish the respondent for wilful disobedience of the orders of this Court dated 25.01.2016 in W.M.P.No.1961 of 2016 in W.P.No.2265 of 2016.

For Petitioner : Mr.A.Esakkiappan
in W.P.17695/2016,
W.P.2265/2016 & Cont.
P.No.1226/2016

For Petitioner in : Mr.S.Venkatesh
W.P.17773/2016 & for
R8 in W.P.17695/2016
& for R5 in Cont.P.1226/2016
R5 in WP.2265/16 and R5 in Cont.P.1226/16

For Respondents 1 to 4 : Mrs.M.E.Raniselvam,
in W.P.17695/2016 & Addl. Government Pleader
for R1 to R3 in W.P.
2265/2016 & for R2 in
Cont.P.1226/2016
and Respondents 1to4 in WP.17773/16

For Respondents 1 to 3 : Mr.I.Arokiasamy
in Cont.P.1226/2016 Government Advocate

COMMON ORDER

By consent, the writ petitions themselves have been taken up for final disposal.

2. Admittedly, the period of licence ends on 30.06.2016. Therefore, the fresh lease/licence will have to be issued after conducting due process. A perusal of the record would show that in

the preceding order, the process of conducting action does not appeared to be satisfactory. It is also seen on an enquiry that even without confirmation by the District Collector, Salem District, and merely based upon the decision of the localbody, permission to do fishing was granted. It is certainly contrary to law.

3. Accordingly, the writ petition stands disposed of by directing the Commissioner, Veerapandi Panchayat Union, Veerapandi, Salem District, to conduct the fresh auction after due publication in any one of the local Tamil Dailies having wide circulation in the locality giving fixed period of 15 days for participation. It is made clear that no permission to do fishing activities will have to be given without confirmation to the District Collector, Salem District. After auction is over and after identifying the successful bidder, appropriate decision or confirmation shall be made by the District Collector, Salem District within a period of 15 days.

4. The learned counsel appearing for the fifth respondent in Contempt Petition No.1226 of 2016 submitted that in view of the order of status quo granted by this Court on 30.06.2016, the said respondent is unable to do fishing. If that is the case of the fifth respondent, it is well open to him to make a representation to the Commissioner, Veerapandi Panchayat Union, Veerapandi, Salem District. On receipt of the same, the said authority is directed to return the proportionate auction amount if the allegation is true and appropriate orders will have to be passed within a period of two weeks from the date of the representation.

5. Accordingly, writ petitions stand disposed of and the contempt petition stands closed. Consequently, connected miscellaneous petitions and sub applications are closed. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Salem District, Salem.

2.The Commissioner,
Veerapandi Panchayat Union,
Veerapandi Salem District.

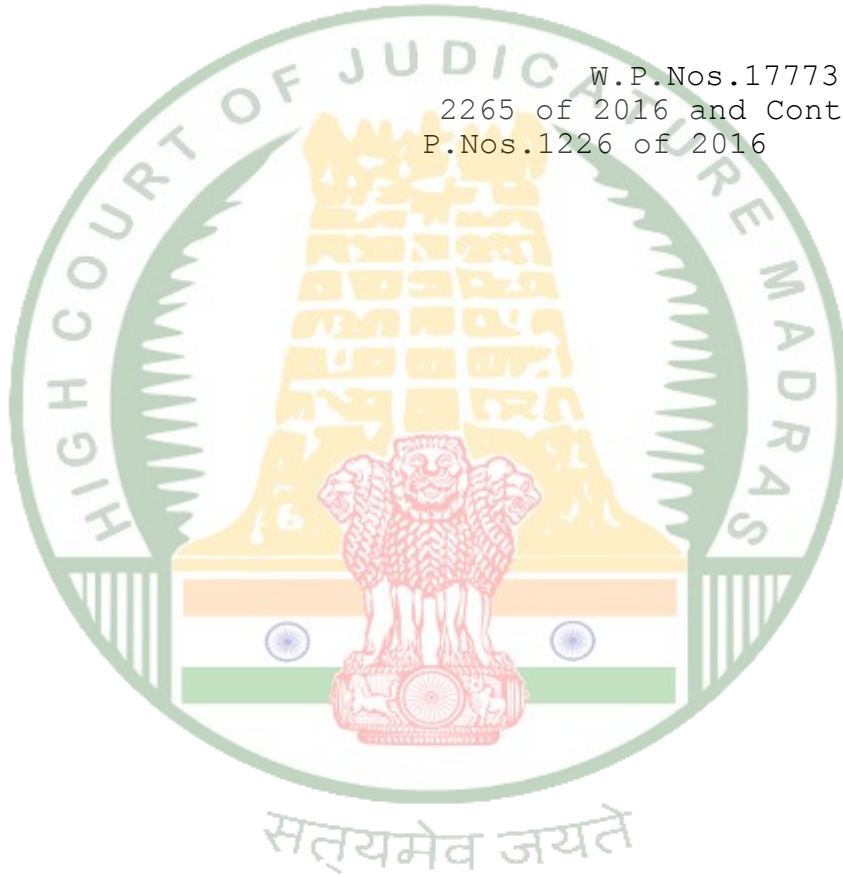
3.The Additional Director of Village
Panchayat, Collectorate,
Salem District.

4.The Inspector of Police,
Kollampatti Police Station,
Salem District-636 010.

5.The Sub Assistant Registrar, OS I,
High Court, Madras.

sr(co)
krd 20/7

W.P.Nos.17773, 17695 &
2265 of 2016 and Cont.
P.Nos.1226 of 2016



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