



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

**Writ Petition (MD). No.11671 of 2016
and
W.MP.(MD).No.8945 of 2016**

S.Ayyathurai

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Director of Fisheries,
DMS Teynampet,
Chennai 06.
- 3.The Assistant Director of Fisheries,
(Indian Fisheries)
Near Palayamkottai Bus Stand,
Palayamkottai, Tirunelveli District.
- 4.The Executive Engineer,
Public Works Department,
Chittar Basin Division, Tenkasi,
Kutralam-02.
- 5.The Assistant Executive Engineer,
Public Works Department,
Chittar Basin Sub-Division, Tenkasi,
Kutralam-02.
- 6.The Junior Engineer,
PWD Water Resource Development
Karupanadhi Dam
Tenkasi Kudiruppu,
Kutralam-02.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the impugned auction notice for fishery rights in K.No.Ko.29/E.Po./Karupanadhi/dated 13.06.2016 passed by the 6th respondent insofar as the Miscellaneous Properties 11, 12, 13 and 15 are concerned and quash the same.

For Petitioner :Mr.M.Kumar

For Respondents :Mr.R.Muthu Karuppan

Addl. Government Pleader

**ORDER**

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

3. According to the Learned Counsel for the Petitioner, the auction slated on 27.06.2016 at 12.00 noon was not held and it was postponed indefinitely. At this stage, the Learned Counsel for the Petitioner brings it to the notice of this Court that on 20.06.2016 in W.P.(MD).No.10807 of 2016 filed by the petitioner, this Court had directed the fourth respondent/Executive Engineer, P.W.D, Chittar Basin Division, Tenkasi, Kutralam to look into the representation of the petitioner, dated 10.06.2016, within 5 days from the date of receipt of a copy of that order and thereafter, was to dispose of the representation by passing a speaking order etc., It is the case of the petitioner that the direction issued by this Court in the said writ petition has not been complied with.

4. Per contra, it is the submission of the Learned Additional Government Pleader appearing for the respondents that the representation of the petitioner dated 10.06.2016 was directed to be considered by the 4th respondent in W.P.(MD).No.10807 of 2016 within 5 days from the date of receipt of a copy of that order and still, there is a time to pass necessary order, because of the fact that a further direction was issued in the said writ petition directing the 4th respondent to pass necessary orders within two weeks thereafter. Therefore, it is the crystalline stand of the respondents that they will adhere to the order passed by this Court dated 20.06.2016 in W.P.(MD).No.10807 of 2016 in true Letter and Spirit.

5. Recording the aforesaid fact, this Court closes the present writ petition, based on the fact that it is a premature and otiose one. The parties are directed to bear their own costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar



To

1.The District Collector,
Tirunelveli District.

2.The Director of Fisheries,
DMS Teynampet,
Chennai 06.

3.The Assistant Director of Fisheries,
(Indian Fisheries)
Near Palayamkottai Bus Stand,
Palayamkottai, Tirunelveli District.

4.The Executive Engineer,
Public Works Department,
Chittar Basin Division, Kuttralam,
Tenkasi-02.

5.The Assistant Executive Engineer,
Public Works Department,
Chittar Basin Division, Kuttralam,
Tenkasi-02.

6.The Junior Engineer,
PWD Water Resource Development
Karupanadhi Dam
Tenkasi Kudiruppu, Kuttralam,
Tenkasi-02.

+1 CC to Mr.M.KUMAR, Advocate, SR No.34177

+1 CC to the Special Government Pleader, SR No.34359

Writ Petition (MD).No.11671 of 2016
30.06.2016

VS

SH/GSV-PM:12.07.2016:3P/9C