



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2016

CORAM:

THE HONOURABLE Mr. JUSTICE K. RAVICHANDRABABU

W.P. (MD) No. 1475 of 2016

and

W.M.P. (MD) No. 1232 of 2016

Victor

..Petitioner

Vs.

1. The Secretary,
Public Works Department (WRO),
St. George Fort,
Chennai - 9.

2. The District Collector,
Tirunelveli District.

3. The Assistant Engineer,
Public Works Department,
Water Resources Organization,
Chittar Basin Section,
Pavoorchathiram,
Tankasi Taluk,
Tirunelveli District.

..Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to lease the fishery right in Manur Tank & Channel to the petitioner's organisation for the fasli year 2015-2016.

For Petitioner : Mr. T.S.R. Venkataramana
For Respondents : Mr. A. Muthukaruppan, AGP

O R D E R

This Writ petition is filed seeking for a mandamus, directing the respondents to lease out the fishery right to the petitioner in respect of Manur Tank and Channel for the Fasli year 2015 - 2016 by contending that the members of petitioner's association are drawing water from the above said tank and if the tank is granted on lease to some third parties by way of public auction the interest of the petitioner will be very much affected.

2. Heard Mr. T.S.R. Venkataramana, learned counsel appearing for the petitioner and perused the materials placed before this Court.

3. I do not think that the prayer sought for in this Writ petition can be entertained or granted in view of the fact that what is sought by the petitioner is for grant of exclusive lease hold right in favour of the petitioner association in respect of fishery right in Manur Tank and Channel. Admittedly, the said tank and channel is a public property and therefore, if any right connected with the said tank and channel has to be given on lease, the same should be made only by way of public auction not by making any exclusively grant in favour of any individual. Therefore, the petitioner has come before this Court with misconceived prayer in this Writ petition.



4. Needless to say that the petitioner is at liberty to take part in the auction if any to be conducted for the fishery right of the above said tank by way of public auction by the competent authority.

5. Accordingly, this Writ petition is dismissed, however, with liberty to the petitioner to take part in the public auction, if any to be conducted in respect of the fasli year 2015 - 2016. It is also made clear that the respondent should make proper publication of auction notice of such public auction. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar(CS)

To

1. The Secretary,
Public Works Department (WRO),
St. George Fort,
Chennai - 9.

2. The District Collector,
Tirunelveli District.

3. The Assistant Engineer,
Public Works Department,
Water Resources Organization,
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Tirunelveli District.

+1cc to Mr. T.S.R. Venkat Ramana, Advocate in SR.3736

W.P. (MD) No. 1475 of 2016
22.01.2016

NBJ

PBK/PM-MP/SAR-II 22.01.2016 :: 2P-5C: (IT)