



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.1969 of 2016
and
W.M.P. (MD) NO.1731 of 2016

Kottiyappan

...Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Sivagiri Taluk,
Tirunelveli District.

3.The Executive Engineer,
Melvaippar Basin Division,
Public Works Department,
(Water Resources Organization),
Rajapalayam,
Ramanathapuram District.

4. The Assistant Engineer/
Public Works Department,
Water Resources Organization,
Melvaippar Sub Division,
Sankarankovil,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus to forbear the respondents from conducting public auction of the fishery right in Sindamani-Paraikulam Tank of Nelkattumseval Village, Sivagiri Taluk, Tirunelveli District.

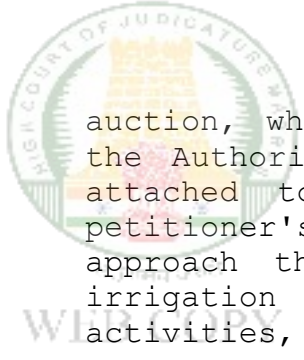
For Petitioner :Mr.R.J.Karthick
For Respondents :Mr.K.Guru
Additional Government Pleader

ORDER

Mr.K.Guru, learned Additional Government Pleader, takes notice for the respondents.

2. The petitioner is seeking for a Mandamus to forbear the respondents from conducting public auction of the fishery right in Sindamani-Paraikulam Tank of Nelkattumseval Village, Sivagiri Taluk, Tirunelveli District by contending that the petitioner's right to get irrigation to his lands will be affected, if fishery right is given to any third parties.

3. I do not think that the petitioner can prevent the Authorities from bringing the fishery right in the above said Tank by way of public



auction, when admittedly the said Tank is public Tank and consequently the Authorities have to follow the procedure in conferring the rights attached to the said Tank to any other person. If at all the petitioner's irrigation right is going to be affected, it is for him to approach the first respondent and make a request to see that such irrigation right is not affected in any manner during the fishing activities, if such right is in existence as claimed by the petitioner.

4. It is seen that the petitioner has already made a representation on 08.01.2016 before the first respondent. Therefore the first respondent is directed to consider the said representation of the petitioner and pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(crl.side)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

- 1.The District Collector, Tirunelveli District, Tirunelveli.
- 2.The Tahsildar, Sivagiri Taluk, Tirunelveli District.
- 3.The Executive Engineer, Melvaippar Basin Division,
Public Works Department, (Water Resources Organization),
Rajapalayam, Ramanathapuram District.
4. The Assistant Engineer/ ublic Works Department,
Water Resources Organization, Melvaippar Sub Division,
Sankarankovil, Tirunelveli District.

+1cc to M/s.R.J.Karthick, Advocate in SR.5390

+1cc to the Special Government Pleader, in SR.5721

W.P. (MD) No.1969 of 2016
and

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29.01.2016

SSL

PBK/SK-SKN 12/02/2016 ::2P-7C::