



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.19456 of 2017

and

WMP (MD) .Nos.15753 to 15755 of 2017

P.K.Murugan

.. Petitioner

Vs.

1.The Assistant Commissioner/Executive Officer,
Arulmigu Thirucoutralanatha Swamy Thirukovil,
Coutralam, Tenkasi Taluk,
Tirunelveli District.

2.The Thakkar,
Arulmigu Thirucoutralanatha Swamy Thirukovil,
Coutralam, Tenkasi Taluk,
Tirunelveli District.

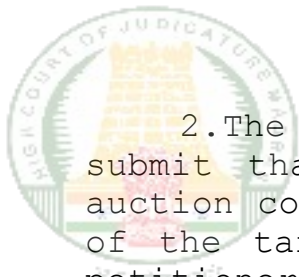
.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st respondent herein by a letter/communication dated 02.06.2017 and the consequential Auction cum Tender Notice issued by the respondents herein in respect of fishery right in Ilanji Periyakulam alone (Clause No. III) published in Dinamalar Daily, Tirunelveli Edition dated 13.10.2017 and quash the same as illegal and further direct the respondents herein to consider the petitioner's representation dated 09.10.2017 and extend the fishery right to the petitioner in Ilangi Periyakulam for the next Fasali year 1427 (01.07.2017 to 30.06.2018) within a time frame fixed by this Court and for other reliefs.

For Petitioner : Mr.D.Nallathambi
For Respondents : Mr.S.Manohar

ORDER

This writ petition is filed seeking to quash the order dated 02.06.2017 passed by the first respondent and to quash the Auction cum Tender Notice dated 13.10.2017 in respect of the tank alone and further to direct the respondents to consider the petitioner's representation dated 09.10.2017.



2.The learned counsel appearing for the petitioner would submit that the petitioner is the successful bidder in the auction conducted by the respondents for fishing rights in respect of the tank at Coutralam for the year 2016 - 2017. Since the petitioner met with loss due to failure of rainfall during the lease period, he made a representation dated 25.04.2017 requesting the respondents to extend the lease period, which has not been considered by the first respondent. Hence, the petitioner on 09.10.2017 sent another representation, whereas the respondents issued the auction cum tender notice dated 12.10.2017 including the subject mentioned tank. Aggrieved by the action of the respondents, the petitioner is before this Court, seeking to quash the impugned auction notice and to direct the respondents to extend the lease period.

3.Though the prayer is larger in nature, the learned counsel for the petitioner confines his prayer for consideration of the representation, which is also agreed by the learned counsel appearing for the respondents.

4.Under such circumstances, this Court, without going into the merits of the case of the petitioner, directs the petitioner to appear before the respondents on 25.10.2017 and the respondents are directed to consider the representation of the petitioner dated 09.10.2017 on merits and in accordance with law and pass necessary orders before conducting auction.

5.With the above directions, the writ petition is disposed of. No Cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar.

To

1.The Assistant Commissioner/Executive Officer,
Arulmigu Thirucoutralanatha Swamy Thirukovil,
Coutralam, Tenkasi Taluk, Tirunelveli District.

2.The Thakkar,Arulmigu Thirucoutralanatha Swamy Thirukovil,
Coutralam, Tenkasi Taluk, Tirunelveli District.

+1CC to Mr.D.Nallathambi, Advocate, SR.No.83151

ORDER MADE IN
W.P (MD) No.19456 of 2017
23.10.2017