



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.[MD].No.21304 of 2018 and
W.M.P.(MD).Nos.19164 and 19165 of 2018

K.Selvakumar : Petitioner

Vs.

The Assistant Engineer,
Public Works Department,
Water Resources Development Department,
Puthiakattalai Mettuvaikkal, Section 1,
Trichy 1. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the notification issued by the respondent in his proceedings in Ko.41/Vu.Po/Trichy/2018, dated 26.09.2018 and quash the same.

For petitioner : Mr.S.Paul Muruges
For respondent : Mr.K.Saravanan
Government Advocate

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

This Writ Petition, styled as "Public Interest Litigation" has been filed on behalf of 30 families, who are stated to have let in fish seedlings in the pond and cultured them, which are sought to be auctioned by the respondent through the impugned notification dated 26.09.2018, which is under challenge in this Writ Petition.

2. The learned counsel appearing for the petitioner would submit that it is a contribution of 30 families, which resulted in the fish population, as it stands as of now. Therefore, they have right to do fishing activities. It is further submitted that there is no jurisdiction for the respondent to issue the impugned notification, since it is for the local body to take appropriate action in the matter.



3. The learned Government Advocate appearing for the respondent, on instructions, would submit that the tank lies with the control of the respondent. The District Collector has also authorized the respondent to do so. There is a dispute between two groups in the same village. Therefore, no interference is required.

4. We do not find any public interest involved in this Writ Petition. Nobody is prevented from participating the auction. Even assuming that some of the local people are responsible for the fish population, the same will not give any right to them. They were not authorized to do so. Admittedly, the tank belongs to the respondent. The District Collector has also permitted the respondent to issue the auction notification. There is nothing on record to show that the tank is vested with the local body. In any case, the local body is not before us. The local body has also not raised any objection.

5. The contention regarding the paper publication will not hold good, since the petitioner himself is aware very well about the auction. No law has been brought to the notice of this Court on the mandate requirement of the paper publication. In any case, it is only a procedural violation, which would not vitiate the impugned auction notification. Thus, we do not find any merit in this Writ Petition. Accordingly, the Writ Petition stands dismissed. However, the dismissal of this Writ Petition will not stand either in the way of the petitioner or 30 families in the village from participating the tender. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Assistant Engineer,
Public Works Department,
Water Resources Development Department,
Puthiakattalai Mettuvaikkal, Section 1,
Trichy 1.

+ 1 CC TO Mr.B.JAMEEL ARASU, ADVOCATE IN SR No. 90563

NB

TE/SKN/SAR-1 : 31/10/2018 : P/C