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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)Nos.1558 and 18679 of 2015
and W.P(MD) .No.674 of 2016
and W.M.P(MD) .Nos.1, 1 and 2 of 2015
W.M.P(MD) .No.16349 of 2017 and
W.M.P(MD) .No.548 of 2016 and
W.M.P(MD) .No.296 of 2018

W.P(MD) .No.1558 of 2015

Palani Pappankulam
Water Users Association,
rep., by its President,
M.Rajamani

... Petitioner

Vs

1.The District Collector,
Dindigul District.

2.The Assistant Director,
Fisheries Department,
Dindigul District.

3.The Superintending Engineer,
Public Works Department,
Dindigul District.

4.A-1977 Palani Taluk Fisherman
Cooperative Society,
Palani 624 001,
Dindigul District.
Rep., by its President

... Respondents

(R4 is impleaded vide order dated 14.07.2015 in W.M.P(MD) .No. 2 of 2015)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents more particularly the second respondent to conduct an open auction for carrying on fishery rights at Palani Pappankulam as per G.O.Ms.No.16 Public Works (W2) Department dated 14.01.2011 consequently to direct the second respondent to deposit 50% of the tender amount with the third respondent and further direct the third respondent to disburse 50% of the amount deposited with him to the water users association of Palani Pappankulam.



For Petitioner: Mr.D.Venkatesh

For R1 to R3 : Mr.M.Karuppasamy
Government Advocate

For R4 : Mr.M.R.Sreenivasan

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W.P(MD) .No.18679 of 2015

Periya Ayyampulli Kulam,
Water Users Association, Palani
rep., by its President,
Rajendran

... Petitioner

Vs

1.The District Collector,
Dindigul District.

2.The Assistant Director,
Fisheries Department,
Dindigul District.

3.The Superintending Engineer,
Public Works Department,
(Water Resources Department)
Special Project Circle, Palani,
Dindigul District.

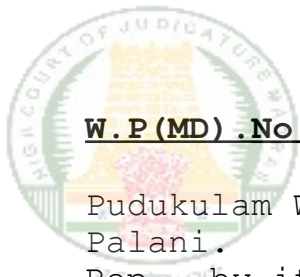
4.The Executive Engineer,
Public Works Department,
(Water Resources Department)
Nangachiyar Basin Division, Palani
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents more particularly the second respondent to conduct an open auction for carrying on fishery rights at Periya Ayyampulli Kulam, Ayyampulli, Palani as per G.O.Ms.No.16 Public Works (W2) Department dated 14.01.2011 consequently to direct the second respondent to deposit 50% of the tender amount with the third respondent and further direct the third respondent to disburse 50% of the amount deposited with him to the water users association of Periya Ayyampulli Kulam, Ayyampulli, Palani.

For Petitioner: Mr.D.Venkatesh

For R1 to R3 : Mr.M.Karuppasamy
<https://hcservices.ecourts.gov.in/hcservices/> Government Advocate

**W.P(MD) .No.674 of 2016**

Pudukulam Water Users Association,
Palani.

Rep., by its President,
Natarajan

... Petitioner

Vs

1.The District Collector,
Dindigul District.

2.The Assistant Director,
Fisheries Department,
Dindigul District.

3.The Superintending Engineer,
Public Works Department,
(Water Resources Department),
Special Project Circle, Palani,
Dindigul District.

4.The Executive Engineer,
Public Works Department,
(Water Resources Department),
Nangachiyar Basin Division, Palani,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents more particularly the second respondent to conduct an open auction for carrying on fishery rights at Pudukulam, Palani Village & Taluk as per G.O.Ms.No.16 Public Works (W2) Department dated 14.01.2011 consequently to direct the second respondent to deposit 50% of the tender amount with the third respondent and further direct the third respondent to disburse 50% of the amount deposited with him to the water users association of Pudukulam, Palani Village & taluk.

For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.M.Karuppasamy
Government Advocate

COMMON ORDER

Heard the learned counsel on either side.

2.The prayer made in these writ petitions is that the auction for the petition mentioned tanks should be conducted as per G.O.Ms.No.16, Public Works Department, dated 14.01.2011. The title of the Government Order itself would indicate the Government Order will have application only in respect of tanks belonging to public works Department. The petition mentioned tanks are belonging to fisheries Department. Therefore, G.O.Ms.No.16, Public Works



Department, dated 11.01.2011 has no application whatsoever. I find no merit in the writ petition. Hence, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (Records)

/ True Copy /

Sub Assistant Registrar (CS)

rmk

To

- 1.The District Collector,
Dindigul District.
- 2.The Assistant Director,
Fisheries Department,
Dindigul District.
- 3.The Superintending Engineer,
Public Works Department,
Dindigul District.
- 4.The Executive Engineer,
Public Works Department,
(Water Resources Department)
Nangachiyar Basin Division, Palani
Dindigul District.

- +1 CC to M/s.SPL GP (SR-62095[F] dated 24/04/2019)
+3 CC to M/s.D.VENKATESH, Advocate (SR. Nos.-62287,62286,62285)
+1 CC to M/s.R.NANDAKUMAR, Advocate (SR-62334[F] dated 24/04/2019)

W.P.(MD) Nos.1558 and 18679 of 2015
and W.P(MD).No.674 of 2016
23.04.2019

ES/14.05.2019/4P/10C