

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.13970 of 2020
and W.M.P.No.17356 and 17357 of 2020
(Heard Through VC)

M/s.P.Stellamary Fish Seed Supplier,
Rep by its Proprietrix Mrs.Stell Mary,
L-102, Membala Nagar, Housing Board Colony,
Kanthampatti, Salem 636 005 ..Petitioner

Vs.

1. The Director of Fisheries,
Integrated Office Complex for Animal Husbandry and
Fisheries Department,
No.571, 4th Floor,
Anna Salai, Nandanam,
Chennai - 600 035.
2. The Deputy Director of Fisheries,
Integrated Office Complex for Animal Husbandry and
Fisheries Department,
No.571, 4th Floor,
Anna Salai, Nandanam,
Chennai - 600 035.
3. The Assistant Director of Fisheries,
Revu Main Road,
Opposite to CAS Marine Biology College,
Annamalai University,
Parangipettai,
Cuddalore District - 608 502 .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus to call for the records on the file of the 3rd respondent made in RFQ.No.Package No.09/IAMP/FISHERIES/LVR/CAR/G/I/2020-21 dated 17.09.2020 quash the same in respect of 11,50,000 fish seeds of Catla, Rohu, Mirgal, Common carp and grass carp and consequently direct the respondents to procure 8 cm size of Catla, Rohu, Mirgal, Common carp.

For Petitioner : Mrs.G.Selvi George

For Respondents 1 & 2 : Mr.V.Shanmugasundar
Spl.Govt.Pleader

ORDER

The petitioner has sought for certiorarified mandamus, calling for the records on the file of the third respondent made in RFQ.No.Package No.09/IAMP/FISHERIES/LVR/CAR/G/I/2020-21 dated 17.09.2020 and quash the same in respect of 11,50,000 fish seeds of Catla, Rohu, Mirgal, Common carp and grass carp and sought for consequential direction to the respondents to procure 8 cm size of Catla, Rohu, Mirgal, Common carp.

2. Earlier, the petitioner filed writ petitions in W.P.Nos.5304, 10334 and 30075 of 2019 and this Court passed a common order on 21.01.2020, thereby, allowed the Writ Petition No.30075 of 2019, and quashed the Request for Quotation dated 10.10.2019 and also directed the respondents to issue a fresh supply order for supply of 13.40 lakhs fish seeds and also stipulate the requirements and description of the fish seeds. The respondents were also given liberty to call for a fresh Request for Quotation after adjusting the above said 13.40 lakhs fish seeds.

3. The learned counsel for the petitioner would submit that a communication of the Assistant Director of Fisheries, Parangipettai in proceedings No.323/Aa/2020, dated 31.07.2020 has been received by the petitioner through RTI, which says that in view of the pandemic, the proceedings were kept in abeyance.

4. In the meanwhile, on 01.10.2020, the learned Government Advocate specifically pointed out to this Court that the respondents would procure the remaining quantity only from the petitioner and accordingly, the matter was adjourned for filing the compliance report. सत्यमेव जयते

5. Accordingly, a compliance report dated NIL has been filed by the Assistant Director of Fisheries, Parangipettai, in which, it has been stated as follows:

"As per the judgment order, the petitioner has to supply 13.40 lakh fish seeds; however, the supplier was not in a position to supply the remaining 11.498 lakh fish seeds as per the cut off date of 15.3.2020, as indicated in the judgment order in W.P.4704/2020, dated 26.02.2020. Due to emergency of COVID-19 and the following lockdown imposed by the Government, further procurement of fish seeds becomes stand still.

.....
It is humbly submitted that the department is ready to procure the remaining quantity of 11.498 lakh seeds as per the stipulated conditions laid in the supply order dated 14.2.2020."

6. As the compliance report specifically states that as the respondent is going to procure the remaining quantity of 11.498 lakhs fish seeds only from the petitioner, the petitioner cannot have any grievance, if the tender is floated after adjusting the above said 11.498 lakhs fish seeds.

7. Recording the compliance report, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn
To

1. The Director of Fisheries,
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Fisheries Department,
No.571, 4th Floor, Anna Salai, Nandanam,
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3. The Assistant Director of Fisheries,
Revu Main Road,
Opposite to CAS Marine Biology College,
Annamalai University,
Parangipettai, Cuddalore District - 608 502
+1 cc to M/s.Selvi George, Advocate Sr.No. 35920

W.P.No.13970 of 2020
and W.M.P.No.17356 and 17357 of 2020

SS (CO)
RMP (07/12/2020)