



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.431 of 2020

and

W.M.P. (MD) Nos.1605 & 336 of 2020

WEB COPY

Nambirajan

... Petitioner

Vs.

1) The State of Tamil Nadu,
Rep. by the District Collector,
Tirunelveli District,
Tirunelveli.

2) The Assistant Engineer,
Public Works Department,
Water Resource Organization,
Manimutharu Kalvai Pirivu,
Panaankulam 627 154,
Nanguneri Taluk,
Tirunelveli District.

3) The President,
Ponnagudi Panchayat,
Palayamkottai Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned tender notification in Ka.No.Koo.13/2019/E.Po.(Pa)-1/dated 23.12.2019 issued by the 2nd respondent to conduct auction on 09.01.2020 at 11.00 a.m. for fishery right and quash the same in respect of Sl.No.9- Ponnagudi Periyakulam and Serial No.10 Sundarapandiankulam alone as illegal and consequently direct the 2nd respondent to conduct auction among the inhabitants of Ponnagudi Panchayat, Palayamkottai Taluk, Tirunelveli District.

For Petitioner : Mr.P.M.Vishnuvarthanan

For RR 1 & 2 : Mrs.J.Padmavathi Devi,
Special Government Pleader

For R-3 : Mr.Jeyakumar,
Standing counsel



O R D E R

The Writ Petition is filed challenging the impugned notification in Ka.No.Koo.13/2019/E.Po.(Pa)-1 dated 23.12.2019 issued by the 2nd respondent to conduct auction on 09.01.2020 at 11.00 a.m. for fishery right and quash the same in respect of Sl.No.9- Ponnagudi Periyakulam and Serial No.10 Sundarapandiankulam alone as illegal and consequently direct the 2nd respondent to conduct auction among the inhabitants of Ponnagudi Panchayat, Palayamkottai Taluk, Tirunelveli District.

2. The case of the petitioner is that the public auction for fishery right in Ponnagudi Periyakulam and Sundarapandian Kulam was fixed on 09.01.2020. The writ petitioner had raised various grounds assailing that the impugned notification mentioned under Section 132 of the Tamil Nadu Panchayat Act, 1994 was not taken into consideration. The petitioner wants only local villagers to take part in the tender because they are the Ayakathars of the above said Kulam. The apprehension of the petitioner is that if a 3rd party is given lease of the fishing rights, it will be detrimental to the interest of the ayacutdars. The lease period is only for a period of six months (i.e.) from 09.01.2020 till 30.06.2020.

3. The learned Special Government Pleader upon instructions states that the public auction for fishery right was conducted and one Paramasivan had taken the lease for a sum of Rs.2,51,000/- and Rs.27,000/- respectively for the Ponnagudi Periyakulam and Sundarapandian Kulam. As the auction itself got over and the lease has been awarded in favour of the third party, the relief sought for by the petitioner has become infructuous, as the lease period itself is only till 30.06.2020. Therefore, it is open to the petitioner to participate in the fresh auction that shall be conducted after the above said lease period gets completed, in order to sustain his interest.

4. With the above observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1) The District Collector,
Tirunelveli District,
Tirunelveli.

2) The Assistant Engineer,
Public Works Department,
Water Resource Organization,
Manimutharu Kalvai Pirivu,
Panaankulam 627 154,
Nanguneri Taluk, Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-4317[F] dated 31/01/2020)

Order made in
W.P (MD) No.431 of 2020
Dated: 30.01.2020

JMN(20.02.2020) 3P : 4C