



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.03.2020

CORAM:

THE HONOURABLE **MR. JUSTICE C.V.KARTHIKEYAN**

W.P. (MD) No.1122 of 2020

and

W.M.P. (MD) No.897 of 2020

Tamilarasan

: Petitioner

Vs.

1.The Deputy Director of Fisheries, (Regional)
Fisheries Department,
Petchiamman Padithurai,
Madurai.

2.The Assistant Director of Fisheries,
Fisheries Department,
Inland Fishing Vaigai Dam,
Theni District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents herein to issue the work order in favour of the petitioner pertaining to the Fishing Rights in Karugattankulam village tank, Theni District on the basis of the tender process held on 21.12.2018.

For Petitioner

: Mr.V.Malaiyendran

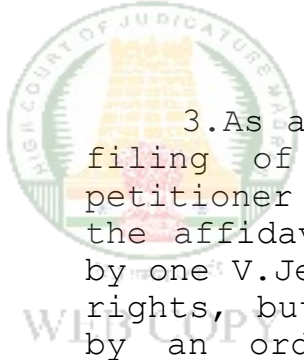
For Respondents

: Mrs.J.Padmavathi Devi,
Special Government Pleader.

ORDER

Writ petition filed in the nature of the mandamus to direct the second respondent, the Assistant Director of Fisheries, Fisheries Department, Inland Fishing Vaigai Dam, Theni District to issue work order in favour of the petitioner, Tamilarasan, son of Mayakalai, residing at Tiruchendur, Kodangipatti Post, Theni District.

2.In the affidavit in support of the writ petition, it had been stated that the petitioner was a successful bidder in the tender notification issued by the second respondent dated 13.12.2018 for fishing rights in Karugattankulam village tank, Theni District on the basis of tender dated 21.12.2018 for the period 2019-2021. The petitioner quoted the highest amount of Rs.2,67,000/-. He had already deposited a sum of Rs.1,33,000/- on 21.12.2018. The second respondent on receipt of the said amount should have issued work order immediately. However, he had not issued work order fishing right for the year 2019-2021. Now one year has passed.



3.As a matter of fact, from the date of tender till the date of filing of the writ petition, 15 months have lapsed and the petitioner has not been issued with any work order. It is stated in the affidavit that a petition in W.P.(MD)No.1481 of 2019 was filed by one V.Jeyaraj regarding the same tender with reference to fishing rights, but, however, the writ petition was dismissed as withdrawn by an order dated 08.11.2019. In view of these facts, the petitioner had approached this Court.

4.Internal communication, dated 31.01.2020 between the second respondent and the first respondent had been produced before this Court by the learned Special Government Pleader. In the internal communication, the second respondent sought one week time for grant of work order. however, it is acknowledged that till date work order had not been granted.

5.In view of above facts, the second respondent, Assistant Director of Fisheries, Fisheries Department, Inland Fishing Vaigai Dam, Theni District, is directed to issue work order to the petitioner Tamilarasan, on or before 20.03.2020 for the period of 2020-2023 on the same terms, for which the petitioner had taken the fishing rights.

6.With the above observations, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1.The Deputy Director of Fisheries, (Regional)
Fisheries Department,
Petchiamman Padithurai,
Madurai.

2.The Assistant Director of Fisheries,
Fisheries Department,
Inland Fishing Vaigai Dam,
Theni District.

+1 CC to SPL.GP (SR-11313[F] dated 12/03/2020)

+1 CC to Mr.V.MALAIYENDRAN, Advocate (SR-11215[F]dated 11/03/2020)

W.P. (MD)No.1122 of 2020

11.03.2020