



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM :

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**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.9505 of 2021

The President,
FMD-17, Melur In-Land Fisherman
Co-operative Society, Melur Taluk,
Madurai District.

.. Petitioner

Vs

- 1.The Director,
Department of Fisheries (In Land),
Chennai.
- 2.The Deputy Director,
Department of Fisheries (In Land),
Madurai Zone,
Madurai.
- 3.The Assistant Director,
Department of Fisheries (In Land),
Pandiyan Towers, 5th Street,
Mealaponnagaram, Aarapalayam,
Madurai.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the 3rd Respondent order passed in Na.Ka.No.857/E/2020, Dated 07.05.2021 and quash it and consequently direct the 3rd respondent to renew the fish keeping Kanakkankulam & Udaiyaankudikulam of Kidaripatti Village of Melur Taluk for the present tenure of 2020-2021 to 2022-2023 on the upset price to be fixed afresh in accordance with law.

For Petitioner

: Mr.K.K.Samy

For Respondents

: Mr.P.Thilak Kumar

Standing Counsel
Government

for



O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.K.K.Samy, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Standing Counsel for Government.

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2.This Writ Petition has been filed challenging the order passed by the 3rd Respondent in Na.Ka.No.857/E/2020, dated 07.05.2021, stating that the petitioner is ready and willing to pay the upset price that may be fixed by the respondents and they may be permitted to enjoy the fishing rights because the petitioner incurred huge loss of money and due to lockdown restrictions, they could not enjoy the fruits of the allotment of fishing rights.

3.However, in the order dated 27.04.2021, in W.P.(MD) No.8608/2021, this Court has issued a specific direction that respondent Nos.1 and 2 should fix the upset price for a period of three years as stated in G.O.Ms.No.33, Animal Husbandry and Fisheries (FS4) Department, dated 27.02.1995, and follow the other guidelines and thereafter, proceed in accordance with law. Therefore, the observation we can make is to permit the petitioner to participate in the auction that may be conducted after fixing the upset price.

4.The Writ Petition stands dismissed with the above observation. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note :

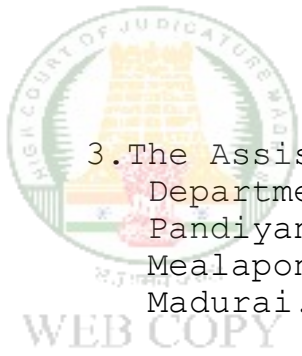
In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director,
Department of Fisheries (In Land),
Chennai.

2.The Deputy Director,
Department of Fisheries (In Land),
Madurai Zone, Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Assistant Director,
Department of Fisheries (In Land),
Pandiyan Towers, 5th Street,
Mealaponnagaram, Aarapalayam,
Madurai.

+1 CC to M/s.SPL GP (SR-24367[F] dated 29/07/2021)

W.P. (MD) No.9505 of 2021
27.07.2021

RK (04.08.2021) 3P 5C