



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.19821 of 2020

and

W.M.P. (MD)Nos.16521 and 16522 of 2020

WEB COPY

K.Mohamed Ibrahim

... Petitioner

-Vs-

- 1.The Director of Fisheries,
O/o. Director of Fisheries Department,
Nanthanam, Chennai.
- 2.The Deputy Director of Fisheries (Regional),
Fisheries Department,
58, Vanamamalai Nagar,
2nd Street, Bypass Road, Madurai.
- 3.The Assistant Director of Fisheries,
Fisheries Department, No.1, Pandiyan Tower,
5th Street, Melapennagaram,
Arappalayam, Madurai.

4.I.Sathya moorthy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records from the third respondent pertaining herein issued in Tender Notification No.Na.Ka.No.857/E/2020, dated 10.11.2020 and quash the same insofar as item relating to Serial No.11 in respect of Senkundu Tank (Kanmoi), Kallampatti, Melur Taluk, Madurai District for fishing rights and direct the respondents to conduct re-tender in respect of Senkundu Tank (Kanmoi), Kallampatti.

For Petitioner	: Mr.Krishnan.R
For R1 to R3	: Mrs.S.Srimathy,
	Special Government Pleader.

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 to R3.

2.The petitioner challenges the tender notification issued by the third respondent. The notification is in respect of granting the fisheries license. The petitioner is concerned with the Sengkundu Tank (Kanmoi), Kallampatti, Melur Taluk mentioned as Serial No.11 in the said notification. The grievance of the



petitioner is that the issuance of license in favour of the private respondent is illegal. The learned counsel would claim that when the bids were opened, the fourth respondent was not then present. It is not in dispute that the petitioner offered the bid amount of Rs.81,000/-. However, the fourth respondent had offered a sum of Rs.1,65,000/-. The offer made by the fourth respondent is double that of the writ petitioner.

3.The learned Special Government Pleader states that the bids were opened on 10.12.2020 and that, within three days, the fourth respondent had remitted the entire amount and that the possession of the petition mentioned tank has also been handed over to the fourth respondent.

4.I am therefore of the view that nothing survives for further adjudication. I can understand if the petitioner had made a higher bid compared to the fourth respondent. If the fourth respondent's bid was admittedly far higher than that of the petitioner, he cannot be heard to complain. At this stage, the learned counsel for the petitioner would allege that the fourth respondent had sublet the water body. If that be so, that would be a clear breach of the license terms and condition. The third respondent will not permit such unauthorized or illegal subletting.

5.With this observation, the Writ Petition is dismissed. Any amount that may have to be refunded to the petitioner shall be done within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

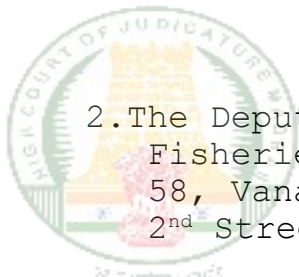
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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant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

To

1.The Director of Fisheries,
O/o. Director of Fisheries Department,
Nanthanam, Chennai.

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



2.The Deputy Director of Fisheries (Regional),
Fisheries Department,
58, Vanamamalai Nagar,
2nd Street, Bypass Road, Madurai.

3.The Assistant Director of Fisheries,
Fisheries Department, No.1, Pandiyan Tower,
5th Street, Melapennagaram,
Arappalayam, Madurai.

+1 CC to M/s.R.KRISHNAN, Advocate (SR-479[F] dated 07/01/2021)

+1 CC to M/s.GP (SR-249[F] dated 06/01/2021)

W.P.(MD)No.19821 of 2020

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kvn(CO)

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