



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.21036 of 2021

and

W.M.P. (MD) .No.17648 of 2021

Ramakrishnan

... Petitioner

Vs.

1.The Commissioner of Fisheries,
Office of the Commissioner of Fisheries,
DMS Campus,
Teyanmpet,
Chennai - 600 006.

2.The District Collector,
Office of the District Collector,
Virudhunagar District.

3.The Assistant Director of Fisheries,
District Meenvalarpor Membaatu Mugamai,
114 B 27/1, Velchaami Nagar,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondent No.3 to issue fresh tender notification and conduct the Tender-cum-auction proceeding relating to the rights of fishing from 01.07.2021 to 30.06.2026 in Vazhaikulam Kanmoi, Vazhaikulam, Mamsapuram Village, Sriviliputhur Taluk, Virudhunagar District, in transparent manner by strictly following the procedure under the Tamil Nadu Transparency in Tenders Act, 1998 and the Tamil Nadu Transparency in Tenders Rules, 2000 consequently direct the Respondent No.3 to communicate about the said auction proceedings to the petitioner and to allow him to participate in the said proceedings in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader.



ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction to the third respondent to issue fresh tender notification and to conduct the tender cum auction proceedings with respect to the rights of fishing from 01.07.2021 to 30.06.2026 in Vazhaikulam Kanmoi, Vazhaikulam, Mamsapuram Village, Sriviliputhur Taluk, Virudhunagar District by following the provisions of the Tamil Nadu Transparency in Tenders Act, 1998 and the Tender Transparency in Tenders Rules, 2000.

2. Such a relief need not be stressed by this Court since it is only necessary that every official will follow the law which is prescribed under the statutes and the law which is *intra vires* the Constitution.

3. Mr.N.Satheesh Kumar, learned Additional Government Pleader, takes notice for respondents 1, 2 and 3.

4. As a matter of fact, the particular tender which is now disputed by the learned counsel for the petitioner has been postponed and whenever a fresh tender notification is issued, it should naturally be held in conformity with the aforesaid enactment and the rules and the petitioner may thereafter participate in it.

5. No further orders are required. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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 Commissioner of Fisheries,
Office of the Commissioner of Fisheries,
DMS Campus,
Teyanmpet, Chennai - 600 006.

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



2.The District Collector,
Office of the District Collector,
Virudhunagar District.

3.The Assistant Director of Fisheries,
District Meenvalarpor Membaatu Mugamai,
114 B 27/1, Velchaami Nagar,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-36050[F] dated 26/11/2021)

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RD(06.12.2021) 3P 5C