



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2016 of 2022

and

W.M.P. (MD) .No.1733 of 2022

WEB COPY

FP 10 Aavudayarkovil Taluk Inland Fisherman
Co-operative Society,
represented by its S.Veerasekar,
Peramarudhur Post, Manamelkudi Taluk,
Pudukkottai District.

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Assistant Director of Fisheries,
Pudukkottai.

3.The Tahsildar,
Manamelkudi Post and Taluk,
Pudukkottai District.

4.The Tahsildar,
Aavudayarkovil Post and Taluk,
Pudukkottai District.

5.The Assistant Engineer,
Public Works Department, W.R.O (Irrigation).
Nagudi Post, Aranthangi Taluk,
Pudukkottai District.

6.The Assistant Engineer,
Public Works Department, W.R.O. (Irrigation),
Aavudayarkovil Post and Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the respondents 5 and 6 from conducting public action of fishery lease rights for 49 tanks situated in Aavudayarkovil Taluk and 48 tanks situated in Manamelkudi Taluk, Pudukkottai District without giving preference to the petitioner's Society as ordered in W.A.(MD).No.1251 of 2020 and W.A.(MD).No.923 of 2020 by its order dated 03.02.2021.

For Petitioner

: Mr.B.Sekar

for Mr.P.Ganapathi Subramanian

For Respondents

: Mr.M.Lingadurai

Special Government Pleader



O R D E R

This writ petition has been filed for a Mandamus to forbear the respondents 5 and 6 from conducting public auction of fishery lease rights for 49 tanks situated in Aavudayarkovil Taluk and 48 tanks situated in Manamelkudi Taluk, Pudukkottai District without giving preference to the petitioner's Society as ordered in W.A. (MD).Nos.1251 and 923 of 2020 by its order dated 03.02.2021.

2. Heard Mr.B.Sekar, learned counsel for Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

3. The learned Special Government Pleader appearing for the respondents has given particulars of the successful bidders in the auction conducted by the respondents with regard to the aforementioned tanks at Aavudayarkovil Tank. He would further submit that since the auction has already been completed and contracts have also been awarded, the present writ petition has now become infructuous. However, the learned counsel appearing for the petitioner submits that he is not aware of the same and he would further submit that the petitioner is not allowed to participate in the auction. He would also submit that the auction conducted is in violation of the order dated 03.02.2021 passed by the Division Bench of this Court in W.A. (MD).Nos.1251 and 923 of 2020.

4. This Court is of the considered view that if at all the petitioner is aggrieved by the completion of the auction by the respondents, the only remedy is to challenge the award of the contracts subsequent to the auction to the third parties in the manner known to him under law. Since the prayer sought for in this writ petition cannot be granted in view of the fact that the auction has already been completed and contracts awarded, this writ petition stands disposed of and liberty is granted to the petitioner to challenge the completion of the auction by the respondents with regard to the aforementioned fishing tanks in the manner known to him under law. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

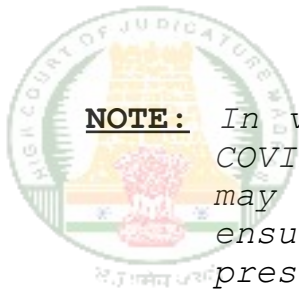
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/ /2022

Sub Assistant Registrar(CS)

tsg

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



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 District Collector,
Pudukkottai District.
- 2.The Assistant Director of Fisheries,
Pudukkottai.
- 3.The Tahsildar,
Manamelkudi Post and Taluk,
Pudukkottai District.
- 4.The Tahsildar,
Aavudayarkovil Post and Taluk,
Pudukkottai District.
- 5.The Assistant Engineer,
Public Works Department, W.R.O (Irrigation).
Nagudi Post, Aranthangi Taluk,
Pudukkottai District.
- 6.The Assistant Engineer,
Public Works Department, W.R.O. (Irrigation),
Aavudayarkovil Post and Taluk,
Pudukkottai District.

+1CC TO THE SPL GOVT PLEADER SR 7463

ORDER MADE IN
W.P. [MD]No.2016 of 2022
18.02.2022

SRR(CO)
GC(02.03.2022) 3P 8C