



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.5485 of 2022

and

W.M.P. (MD) .Nos.4440 and 4441 of 2022

P.Karuppasamy

... Petitioner

Vs.

1.The Assistant Director of Fisheries,
Tirunelveli.

2.The Executive Engineer,
Public Works Department (W.R.O),
Upper Vaippar Basin Division,
Rajapalayam.

3.The Assistant Engineer,
Public Works Department (W.R.O.),
Upper Vaippar Basin Division,
Vasudevanallur,
Tenkasi District.

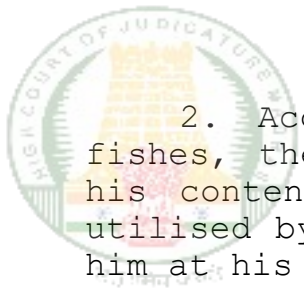
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned auction notification of the third respondent in Ko.30/U.Po.(Vasu)/2022 dated 16.03.2022 and quash the same and consequently direct the respondents to extend the period of lease considering the Covid-19 and heavy rainfall.

For Petitioner	:	Mr.H.Arumugam for Mr.P.Murugesan
For Respondents	:	Mr.M.Lingadurai, Special Government Pleader.

ORDER

This Writ Petition has been filed challenging the impugned auction notification issued by the third respondent dated 16.03.2022. The petitioner has challenged the impugned auction notification on the ground that the third respondent, without complying with the directions of this Court passed in W.P.(MD).No.22192 of 2021, dated 22.12.2021, has issued the impugned notification.



2. According to the petitioner, before he can harvest the fishes, the impugned auction notification has been issued. It is his contention that the fishes in the agricultural tank will be utilised by the successful bidders, though the fishes were grown by him at his cost.

WEB COPY

3. Mr.M.Lingadurai, learned Special Government Pleader, accepts notice on behalf of the respondents. On instructions, he would submit that the third respondent has communicated to him by his letter dated 28.03.2022 that they are cancelling the impugned auction notification and would comply with the directions given by this Court on 22.12.2021 passed in the earlier Writ Petition filed by the petitioner in W.P.(MD).No.22192 of 2021.

4. Since the impugned auction notification has been cancelled, the prayer sought for in this Writ Petition has been achieved. However, in so far as the consequential relief sought for in this Writ Petition, namely, seeking extension of the lease period, is concerned, it is for the respondents to decide the same while passing final orders in compliance with the directions given by this Court in W.P.(MD).No.22192 of 2021 on 22.12.2021. It is made clear that the respondents can proceed with any auction only after they comply with the directions given by this Court in W.P.(MD).No.22192 of 2021 on 22.12.2021.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

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/ /2022

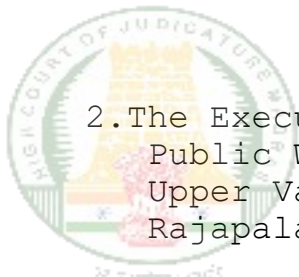
Sub Assistant Registrar(CS)

Lm

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 Assistant Director of Fisheries,
Tirunelveli.



2.The Executive Engineer,
Public Works Department (W.R.O),
Upper Vaippar Basin Division,
Rajapalayam.

3.The Assistant Engineer,
Public Works Department (W.R.O.),
Upper Vaippar Basin Division,
Vasudevanallur,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-15356[F] dated 30/03/2022)

+1 CC to M/s.P.MURUGESAN, Advocate (SR-15509[F] dated 30/03/2022)

W.P. (MD) .No.5485 of 2022
28.03.2022

KG(CO)
KB(07.04.2022) 3P 6C