



W.P(MD)No.16782 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16782 of 2022

and

W.M.P.(MD)No.12163 of 2022

S.Thamotharan

... Petitioner

Vs.

1.The District Collector/
Chief Executive Officer,
Fish Farmers Development Agency,
Tirunelveli District, now at
Tenkasi District.

2.The Junior Engineer,
Public Works Department,
Irrigation Division,
Tenkasi,
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, to call for the records in Ka.No.11/Ko.19/2022/E.po/Tenkasi dated 15.07.2022 on the file of the 2nd respondent and quash the same as illegal, forbearing the respondents from conducting public auction of fishery right in respect of Rajavinkulam Tank, Kodikurichi Village, Kadayanallur Taluk.



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For Petitioner : Mr.S.Kumar

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents.

2.By the impugned notice, the respondents are proposing to bring the petition mentioned tank fishery rights to public auction. The same is questioned by the writ petitioner. The writ petitioner claims that he has been enjoying the fishery rights for a very long time. That may be so, but that would not give any right as such on the writ petitioner. The tank in question belongs to Public Works Department. Therefore, it is very much open to Public Works Department to bring the fishery rights of the tank to public auction. The petitioner can only take part in public auction. He cannot insist that public auction should not never be held. It is too well settled that whenever a government property is capable of yielding revenue, holding a public auction or tender is best way to maximize revenue. To say that public auction should not be held would be unconstitutional.



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3.I do not find any ground to interfere, the writ petition stands dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

28.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

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