



W.P.(MD) Nos.26249 & 26250 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) Nos.26249 & 26250 of 2022

and

W.M.P.(MD) Nos.20422 & 20425 of 2022

M/s.Valanthoor Kanmoi Pasana Vivasagil Sangam
Reg.No.125/2019
rep.by its President
T.Parthiban, Son of Thullumani
Valanthoor Post, Usilampatti Taluk
Madurai-625 532

... Petitioner in both W.Ps.

-vs-

- 1.The Commissioner
Department of Fisheries and Fishermen Welfare
Chennai
- 2.The Executive Engineer (W.R.D)
Periyar Vaigai Basin Circle
Chinna Chokkikulam, Madurai
- 3.The Assistant Executive Engineer (W.R.D)
Periyar Vaigai Basin Circle No.2
Chinna Chokkikulam, Madurai



W.P.(MD) Nos.26249 & 26250 of 2022

4.The Assistant Director

Department of Fisheries and Fishermen Welfare
Pechiammanpadithurai
Simmakkal, Madurai

... Respondents 1 to 4
in both W.Ps.

5.The Assistant Engineer

Irrigation Division No.II
Thirumangalam
Madurai District

... R5 in W.P.(MD) No.
26249 of 2022

6.The Assistant Engineer

Irrigation Division No.II
Kuppanampatti
Madurai District

... R5 in W.P.(MD) No.
26250 of 2022

PRAYER (in W.P.(MD) No.26249 of 2022): Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the impugned auction notification under letter No.Ko.3/2022/U.Po/Thiruma/, dated 07.11.2022, on the file of the fifth respondent and to quash the same as under-estimated EMD and further direct the respondents to conduct auction by fixing the fair EMD and by issuing tender schedule to all the interested participants enabling the tenable persons to participate in the auction in the interest of the public.



WEB COPY

W.P.(MD) Nos.26249 & 26250 of 2022

PRAYER (in W.P.(MD) No.26250 of 2022): Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the impugned auction notification under letter No.Ko.16/2022/U.Po/Ku.Pa. 2/, dated 07.11.2022, on the file of the fifth respondent and to quash the same as under-estimated EMD and further direct the respondents to conduct auction by fixing the fair EMD and by issuing tender schedule to all the interested participants enabling the tenable persons to participate in the auction in the interest of the public.

For Petitioner : Mr.K.R.Laxman
(in both W.Ps.)

For Respondents : Mr.P.Thilakkumar
(in both W.Ps.) Government Pleader

C O M M O N O R D E R

[Order of the Court was made by R.MAHADEVAN, J.]

Since the issue involved in both the writ petitions is one and the same, they have been clubbed together, heard together and are being disposed of by this common order.



W.P.(MD) Nos.26249 & 26250 of 2022

WEB COPY

2. Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents.

3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. Challenge in these writ petitions is to the auction notification dated 07.11.2022, issued by the fifth respondent, proposing to conduct auction on 23.11.2022 for fishing rights in the Kanmois mentioned therein for the period from 01.09.2022 to 31.08.2023, with a direction to the respondents to conduct auction by fixing fair earnest money deposit and by issuing tender schedule to all the interested participants enabling them to participate in the auction.

5. Today, when the matter was taken up for hearing, learned counsel for the petitioner fairly submitted that though he has challenged the impugned auction notifications on several grounds, he confines his arguments only to the extent that all the participants may be permitted in the auction proceedings, without any hindrance by any of the parties.



WEB COPY

W.P.(MD) Nos.26249 & 26250 of 2022

6. The learned Government Pleader appearing for the respondents, on instructions, submitted that auction would be conducted by following due process of law and no participant would be prohibited from participating in the auction proceedings, provided he / she is found to be eligible.

7. In view of the above submission of the learned counsel for the petitioner and recording the submission of the learned Government Pleader appearing for the respondents, the writ petitions are disposed of directing the authority concerned to conduct auction, as per the schedule mentioned in the impugned notifications in the presence of all the eligible participants, by following due process of law. To be noted, if any violation is brought out in the conduct of the auction, the same will be viewed seriously. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]

22.11.2022

Index : Yes / No
Internet : Yes / No

krk

Page 5 of 7



W.P.(MD) Nos.26249 & 26250 of 2022

WEB COPY

To:

- 1.The Commissioner,
Department of Fisheries and Fishermen Welfare,
Chennai.
- 2.The Executive Engineer (W.R.D),
Periyar Vaigai Basin Circle,
Chinna Chokkikulam, Madurai.
- 3.The Assistant Executive Engineer (W.R.D),
Periyar Vaigai Basin Circle No.2,
Chinna Chokkikulam, Madurai.
- 4.The Assistant Director,
Department of Fisheries and Fishermen Welfare,
Pechiammanpadithurai,
Simmakkal, Madurai.
- 5.The Assistant Engineer,
Irrigation Division No.II,
Thirumangalam,
Madurai District.
- 6.The Assistant Engineer ,
Irrigation Division No.II,
Kuppanampatti,
Madurai District.



WEB COPY



W.P.(MD) Nos.26249 & 26250 of 2022

R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

krk

W.P.(MD) Nos.26249 & 26250 of
2022
and
W.M.P.(MD) Nos.20422 & 20425 of
2022

22.11.2022