



W.P(MD)No.28553 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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Surandai Periyakulam Pattaholders
Association, Reg.No.15/1991,
Rep. by its President,
M.Arumugasamy,
Surandai Village,
V.K.Pudur Taluk,
Tenkasi District.

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi,
Tenkasi District.
- 2.The Executive Engineer,
Public Works Department (WRO),
Chittar Basin Division,
Tenkasi,
Tenkasi District.
- 3.The Assistant Executive Engineer,
Public Works Department (WRO),
Chittar Basin Sub Division,
Tenkasi,
Tenkasi District.
- 4.The Assistant Engineer,
Public Works Department,
Water Resources Organization (WRO),



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Chittar Basin Division No.1,
Tenkasi,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned auction notice in Letter No.KO.1/U.Po.1 (The)/2022/ dated 03.12.2022 issued by the 4th respondent and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is a Water User Association. It questions the impugned auction notice dated 03.12.2022. By the impugned notice, fishery rights in respect of Surandai Periyakulam Tank is proposed to be auctioned.

3. The learned counsel appearing for the petitioner while reiterating all the contentions set out in the affidavit filed in support of the writ petition submitted that though G.O was issued some 10 years ago, till date, the authorities have not come forward to hold any public auction. It is beyond dispute that the petitioner association continues to be in possession of the tank in question. He even produced copy of the receipt issued by the department recently. Hoping that fishery rights will not be auctioned, substantial



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investment has been made in purchasing the fish lings and letting them into the tank. He submitted that the legitimate expectation of the petitioner has been frustrated.

4. I am not persuaded by the submissions advanced by the learned counsel appearing for the petitioner.

5. Admittedly, the tank belongs to the Public Works Department. Vide G.O.(Ms)No.16, Public Works (W2) Department, dated 14.01.2011, such fishery rights have already been permitted to be auctioned by the Public Works Department. The said G.O continues to be in operation and it has not been stayed. In these circumstances, the petitioner does not have any legal right to question the validity of the impugned notice.

6. As rightly pointed out by the learned Special Government P leader, the impugned auction notice cannot be quashed. I decline to interfere with the auction process. However, the highest bid will be confirmed and license will be issued in favour of the highest bidder with effect from 01.01.2023. It is not open to the petitioner association to harvest fish in Surandai Periyakulam Tank till the evening of 31.12.2022.



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7. With this direction in favour of the petitioner, the writ petition is dismissed. It is however open to the petitioner herein to move the department for higher relief. I make it clear that to facilitate catching of fish, the petitioner shall not release the water. No costs. Consequently, connected miscellaneous petitions are close.

20.12.2022

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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