



WEB COPY



W.P.No.8152 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 8152 of 2023

and

WMP.No.8385 of 2023

Arumugam

... Petitioner

Vs.

1. The Chief Engineer,
Public Works Department,
Chennai.

2. The District Collector,
District Collectorate of Namakkal,
Namakkal District.

3. The Assistant Executive Engineer,
Department of Water Resources (irrigation)
Namakkal Division, Namakkal.

4. The Tahsildar,
Palayapalayam, Namakkal.

5. P.Mahendran

6. N.Baskar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent of the letter No.109/Ko68/2023/u.se.po.(na)) dted 06.02.2023 and letter



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No.112/Ko.68//2023/u.se.po.(na) dated 06.02.2023 granted in favour of the 5th and 6th respondents and quash the same and consequently, directing the respondents 1 to 4 to consider the bonafide plea to the petitioner and other villagers to conduct fishing festival in any of the upcoming months.

For Petitioner : Mr.M.Arun

For Respondents : Mr.E.Veda Bagathsingh, SGP

ORDER

Mr.E.Veda Bagathsingh, learned Special Government Pleader, takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. The Writ Petition has been filed seeking to quash the impugned order issued by the first respondent, vide letter dated 06.02.2023 and dated 06.02.2023 granted in favour of the 5th and 6th respondents and consequently, directing the respondents 1 to 4 to consider the bonafide plea to the petitioner and other villagers to conduct fishing festival in any of the upcoming months.



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3. It is the grievance of the petitioner that he made representations to the respondents dated 23.01.2023 to consider the fishing festival as a customary practice throughout Tamil Nadu. The 3rd respondent had given auction tender notice for fishing in the lakes of Namakkal District and subsequently, vide order dated 06.02.2023, the 5th respondent had declared as successful auction bidder for fishing in the lakes. Challenging the said order, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that without going into the merits of the case, this Court may issue a direction to the respondents to consider the petitioner's representation and pass appropriate orders within the stipulated time as fixed by this Court.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents and perused the materials available on record. Since no adverse orders are passed against the private respondents and hence, their presence is dispensed with.

6. Considering the facts and circumstances of the case and the



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limited request made by the learned counsel for the petitioners, this Court, without interfering with the impugned order passed by the first respondent and without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 23.01.2023 and pass appropriate orders, after providing opportunity to the petitioner as well as the private respondents, on merits and in accordance with law within a period of six weeks, from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

16.03.2023

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Index : Yes/No

Internet : Yes/No

To

1. The Chief Engineer,
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Chennai.

2. The District Collector,
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Namakkal District.



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Department of Water Resources (irrigation)
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