



WEB COPY



W.P.No.32648 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.32648 of 2022

and

Writ Miscellaneous Petition No.2498 of 2023

FCE – 20, Anneri Fishermen
Co-operative Society,
Rachamangalam Post,
Tirupattur – 635 653,
Rep. by its elected President,
C.Saravanan

... Petitioner

Versus

1. The Executive Engineer,
Public Works Department (WRO),
Uppar Palar Basin Division,
Vellore – 632 006.

2. The Assistant Director of Fisheries,
(Inland Fisheries),
No.16, 5th West Cross Street,
Katpadi, Gandhi Nagar,
Vellore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to grant fishing lease for further period of 2-years based upon the recommendation made by the 2nd respondent in his letter in Na.Ka.No.586/E/2018 dated



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06.07.2021 and based upon the letter in Letter No.764M/E.Va.A1/Ko-998/Va.Pi/2022 dated 19.08.2022 for the years 2022-2023 to 2023-2024 viz., 2 years to the petitioner Society by applying G.O.Ms.No.332, Animal Husbandry and Fisheries (FS.IV) Department dated 17.11.1993.

For Petitioner : Mr.V.Elangovan
For R1 : Mr.V.Arun, Additional Advocate General
Assisted by
Mr.T.Seenivasan, Special Government Pleader

ORDER

The Writ Petition is focused on the auction proposed for three lakes namely, Kurumberi Lake, Simmanapudur Lake and Bommikuppam Lake, under the control of the 1st respondent/the Executive Engineer, Public Works Department (WRO), Uppar Palar Basin Division, Vellore – 632 006.

2. The auction was scheduled to be held on 07.02.2023.

3. This Court had directed that the auction proceedings may continue and also permitted the petitioner, Anneri Fishermen Co-operative Society at Rachamangalam Post at Tirupattur to participate in the auction. The results were however directed to be informed to the Court.



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4. The learned Additional Advocate General is stated that with respect to Simmanapudur Lake, the successful bidder quoted twice the amount of the previous years price.

5. If that be the case, then, the petitioner must now be given an opportunity to quote the same equal price and that opportunity must be given by the respondents to the petitioner herein.

6. Therefore, a direction is given to the respondents, particularly, the 1st respondent to give that particular opportunity to the petitioner to quote the same amount as the successful bidder. If the petitioner quotes that amount, then, in accordance with the directions of this Court, the petitioner being a Society, should be considered favorably for grant of fishing right.

7. With respect to the other two lakes namely, Kurumberi Lake and Bommikuppam Lake, it is stated by the learned Additional Advocate General that owing to various circumstances, the auction could not be conducted.



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8. The respondents are permitted to issue a fresh notice and re-schedule the auction on an other date by following due procedure. If an auction is conducted for the other two lakes, the petitioner is also permitted to participate in the auction.

9. The respondents may proceed further with conducting auction for the Kurumberi Lake and Bommikuppam Lake. With respect to Simmanapudur Lake, follow the directions as stated above, by inviting the petitioner to quote the same amount as a highest bidder.

10. No further orders are required for the present. But the petitioner as an Association, if they have any grievances further, they are at liberty to approach the Court again.

11. The Writ Petition stands disposed of accordingly. No order as to costs. Consequently, the connected miscellaneous petition stands closed.

14.02.2023

ssi

Index : Yes/No

Internet : Yes/No



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To:

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Uppar Palar Basin Division,
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(Inland Fisheries),
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C.V.KARTHIKEYAN,J.

ssi

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