



W.P(MD)No.63 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.63 of 2023

and

W.M.P(MD)Nos.77 & 79 of 2023

N.Chinnasamy

... Petitioner

Vs

1.The Commissioner,
Department of Fisheries and Fishermen Welfare,
Chennai.

2.The District Collector,
Theni District.

3.The Assistant Director,
Department of Fisheries and Fishermen Welfare,
Theni – Vaigai Dam,
Theni District.

... 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 Tender Notification under News Release No. 48 dated 19.12.2022, on the file of the second respondent herein and its consequential Tender conditions issued by the third respondent under Na.Ka.No.2051/A3/2022 dated 29.12.2022 and to quash the same as far as condition No. 6 and 16 is concerned as far as “Pappayan Patti



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Konmai and Thamaraiikulam Kanmai” is concerned and further direct the respondents to ensure that the said period of tender is for 5 years commencing from January 2023 to December 2027 with 10 Percent increment for each respective year in the tender price.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

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

2. The petitioner intends to participate in the proposed auction to be conducted by the third respondent. The learned counsel appearing for the petitioner points out that even though the tender notification reads that the fishery lease will be for a period of five years, still it works out only to 4 ½ years for the nine tanks mentioned in the first table. As regards the Thamarai Kulam Tank, the lease will be only for a period of 2 ½ years. The learned counsel appearing for the petitioner complains that the lease period is insufficient to realise even reasonable returns. I am not persuaded by the submissions of the learned counsel for the petitioner.



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3. As rightly pointed out by the learned Special Government Pleader, the Government had clarified regarding the duration of lease period. Nobody has compelled the petitioner to take part in the auction and suffer loss. If the petitioner wants to take part, it is open to him to take part in the auction. Since there is no element of compulsion, the question of interference in the matter does not arise at all.

4. This writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1. The Commissioner,
Department of Fisheries and Fishermen Welfare,
Chennai.
2. The District Collector,
Theni District.
3. The Assistant Director,
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G.R.SWAMINATHAN, J.

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