



W.P.(MD)No.4978 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.03.2023

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.4978 of 2023

and

W.M.P.(MD)Nos.4643 and 4645 of 2023

FMD1 Vaigai Dam Inland Fisherman
Cooperative Society,
represented by its President,
P.Viswanathan.

... Petitioner

vs.

1.The Commissioner of Fisheries and
Tender Inviting Authority,
Fisheries Department,
Nandanam, Chennai – 600 035.

2.The Assistant Director of Fisheries,
Theni Zone, Vaigai Dam,
Aundipatty, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to tender notice inviting tender for leasing of fishing rights in Vaigai Reservoir, Theni District in tender reference no. 23399/F3/2018-1 dated 08.02.2023 issued by the first respondent herein and to quash the same as illegal and consequently, to direct the



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Respondent Nos.1 to 2 herein to grant the lease of the fishing rights in Vaigai Dam Reservoir to the petitioner society in adherence to G.O. (Ms).No.15, Animal Husbandry Dairy and Fisheries Department, dated 29.01.2020 and also in the light of judgments in W.A.(MD)No. 923 of 2020 and W.A.(MD)No.1251 of 2020 dated 03.02.2021 and W.P. (MD)No.13591 of 2021, dated 28.10.2021 rendered by this Court.

For Petitioner :Mr.A.Mithun Chakravarthi

For Respondents :Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus with respect to a tender for leasing of fishing rights in Vaigai Reservoir, Theni District in Tender Ref.No.23399/F3/2018-1 dated 08.02.2023 issued by the third respondent and to interfere with the same.

2.Heard Mr.A.Mithun Chakravarthi, learned Counsel for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents.



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3.The petitioner seeks lease of fishing rights in the Vaigai Dam Reservoir in view of G.O.(Ms).No.15, Animal Husbandry Diary and Fisheries Department, dated 29.01.2020. The petitioner also places reliance on the judgment of the Division Bench of this Court in W.A. (MD)No. 923 of 2020 and W.A.(MD)No.1251 of 2020 dated 03.02.2021 and W.P.(MD)No.13591 of 2021, dated 28.10.2021.

4.The entire issue surrounds calling of a tender for fishing rights in Vaigai Dam Reservoir, Theni District in Tender Ref.No.23399/F3/2018-1 dated 08.02.2023, issued by the first respondent. The petitioner claims that they are a Society and therefore, they must be given preference in accordance with Government Orders. But a reading of the judgments aforementioned, reveals that the tender process must continue and the Fishing Cooperative Society must be called upon to pay either the same amount or a higher amount than the highest bidder, who participated in the tender process.

5.In the instant case, a status report has been filed consequent to the auction being conducted by the respondents. The learned Special



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Government Pleader had stated that one Jahangeer had offered the highest amount of Rs.82,01,000/-. He was declared as the successful bidder. It must be mentioned that the upset price fixed was Rs.80,00,000/-. There were also two other participants, namely, B.P.Senthilkumaran, who had offered Rs.82,00,000/- and one J.Vasanth, who offered Rs.81,00,000/-.

6.The second respondent had followed the direction given in the judgments aforementioned. They had issued a letter in Na.Ka.No. 274/A3/2023, dated 10.03.2023 to the petitioner herein asking them to pay the highest amount offered by Jahangeer of Rs.82,01,000/-. In the status report, it had been very specifically stated that the petitioner had issued their reply that they are not willing to pay the said amount.

7.In view of that particular fact, the fishing rights will necessarily be given to the highest bidder, namely, Jahangeer, who had quoted Rs.82,01,000/-. The Writ Petitioner, therefore, cannot seek extension of lease period. Now, it is the turn of the auction purchaser to take over in accordance with the terms and conditions under auction. He should be



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given all rights by the respondents.

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8.In view of this particular fact, a Certiorari cannot be issued against the respondents. The Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

15.03.2023

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To

1.The Commissioner of Fisheries and
Tender Inviting Authority,
Fisheries Department,
Nandanam, Chennai – 600 035.

2.The Assistant Director of Fisheries,
Theni Zone, Vaigai Dam,
Aundipatty, Theni District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
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