



W.P.(MD) No.6218 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.6218 of 2020
and
W.M.P.(MD) No.5426 of 2020

Vijayalakshmi

... Petitioner

/vs./

1.The Executive Engineer,
PWD/Waters Resources Organization,
Grant Anaicut Canal Division,
Thanjavur,
Thanjavur District.

2.The Assistant Engineer,
PWD/Waters Resources Organization,
Grant Anaicut Canal Division-1,
Pattukkottai,
Thanjavur District.

3.The District Collector,
Thanjavur.
*(R3 has been impleaded vide
order dated 02.06.2020)*

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the second respondent vide his proceedings in letter No.21/2020/Oo.Po./Nagar Division-1, Pattukkottai/dated 08.05.2020 and quash the same and consequently, directing the second respondent to receive the public auction amount of Rs.21,000/- in respect of fishery lease hold rights of Peria Eri, situate at Vendakottai Panchayat Vendakottai, Pattukkottai Taluk, Thanjavur District.

For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

This writ petition is filed for the issue of a Writ of Certiorarified Mandamus calling for the records of the second respondent dated 08.05.2020, quashing the same and directing the second respondent to receive the public auction amount of Rs.21,000/- in respect of fishery lease hold rights of Peria Eri situate at Vendakottai Panchayat Vendakottai, Pattukkottai Taluk, Thanjavur District.



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2.It is the case of the petitioner that she is the Village President of Vendakottai Panchayat and there are four small ponds and one big lake situate in the village panchayat. The panchayat has no other source of income. She would submit that on the basis of the panchayat resolution to approach the second respondent for getting permission for conducting the public auction in respect of water bodies, she had approached the second respondent, who, by his proceedings dated 06.05.2020, had permitted the petitioner to conduct the public auction for the fishery lease hold rights in respect of PWD's ponds. On the basis of this order, resolution was passed by the panchayat for granting fishing lease hold rights in the Peria Eri, where an upset price of Rs.10,000/- and deposit amount of Rs. 1,000/- were fixed.

3.The auction was conducted at about 05.00 pm., on 06.05.2020. Then participants had participated and they deposited a sum of Rs.1,000/- each. Thereafter, the successful bidder one Sakthivel was granted the fishery lease hold rights. The said Sakthivel had also paid the sum of Rs.21,000/-. At this juncture, the impugned order came to be passed by the second respondent mentioning that the third respondent/the District Collector had already auctioned the fishery rights



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to the local Fishermen Society. Aggrieved by the same, the petitioner is before this Court.

4.Heard the learned counsels appearing on either side.

5.A perusal of the impugned order would indicate that the third respondent had granted the lease to the local Fishermen Society much before the proceedings of the second respondent granting lease hold rights to the petitioner. Therefore, the order passed on 06.05.2020 by the second respondent was totally an erroneous order. On coming to know about the earlier lease, the impugned order has come to be passed. I see no error in the same and accordingly, the Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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

27.03.2023

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To

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P.T.ASHA, J.

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