



W.P.(MD).No.13385 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.13385 of 2021

and

W.M.P.(MD)No.10343 of 2021

K.Gurusamy

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar-626 001.

2.The Commissioner,
Rajapalayam Panchayat Union,
Rajapalayam Post-626 117,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, to direct the respondents to issue confirmation order in favour of the petitioner's name based on the bid amount quoted by the petitioner in the auction held on 25.06.2021 for five years from the Pasali year commencing from 1431 as per Rule 11 of the Tamil Nadu Panchayats (Lease and Licensing of Fishery Rights in Water Sources



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Vested and Regulated by Village Panchayats and Panchayat Union Councils) Rules, 1999, in respect of Silampaneri Tank, Rajapalayam Panchayat Union, Virudhunagar District is concerned.

For Petitioner	: Mr.M.Saravanakumar
For R1	: Mr.A.K.Manikkam Special Government Pleader
For R2	: Mr.P.Subbaraj

ORDER

This writ petition is filed for issuance of a writ of Mandamus, to direct the respondents to issue confirmation order in favour of the petitioner's name based on the bid amount quoted by the petitioner in the auction held on 25.06.2021 for five years from the Pasali year commencing from 1431 as per Rule 11 of the Tamil Nadu Panchayats (Lease and Licensing of Fishery Rights in Water Sources Vested and Regulated by Village Panchayats and Panchayat Union Councils) Rules, 1999, in respect of Silampaneri Tank, Rajapalayam Panchayat Union, Virudhunagar District is concerned.



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2. The petitioner and the respondents are admitting that the petitioner is the highest bidder for the tank namely Silampaneri Tank. The auction was concluded on 25.06.2021. The auction period will be calculated based on the Pasali years which starts from 1st July of each year and ends in 30th June next year. The contention of the petitioner is that if the same is calculated, the petitioner is entitled to hold the lease rights for 5 years from Pasali year 1431 to 1436 i.e. from 01.07.2021 to 30.06.2026. However, the respondents are calculating the Pasali 1430 i.e. from year 2020-2021. But the respondents submitted that as per the terms and conditions, the petitioner has participated in the Pasali year 2020-2021. Therefore, the petitioner cannot go against the terms and conditions.

3. It is seen that the auction itself was held on 25.06.2021, therefore, the Pasali year cannot be calculated from 01.07.2020 to 30.06.2021. In other words, it has to be calculated from 01.07.2021 and not from 01.07.2020. Since there are 5 days left in the Pasali year 1430, the respondent is taking the said five days as one year. Therefore, this Court is of the considered



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opinion that from 26.06.2020 to 30.06.2020 i.e. five days cannot be calculated as one full Pasali year and the respondents are incorrect in calculating the period.

4. Therefore, this Court is of the considered opinion that the terms and conditions should be reasonable which is acceptable by all the participants. The respondent's interpretation that the said five days ought to be taken as one year is not permissible. Not only it is impermissible but illegal. Even though the auction was completed on 25.06.2021, 5 days cannot be calculated as a full Pasali year. Any tender should be conducted prior to the date of commencing of the tender period and the tender period should from the future day. In the present case the tender was concluded on 25.06.2021, then the period of tender starts from 01.07.2021 i.e. from 1432 Pasali year. Therefore, the petitioner is entitled to confirmation letter from 01.07.2021 to 30.06.2026. The respondents are directed to issue confirmation order for the above said period and the same shall be granted within a period of four weeks from the date of receipt of a copy of this order.



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5. With the above said observation, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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

The District Collector,
Virudhunagar District,
Virudhunagar-626 001.



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S.SRIMATHY, J.

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