



W.P. (MD).No.16842 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.16842 of 2021
and W.M.P(MD)Nos.13725 and 13728 of 2021

Thangarasu

... Petitioner

Vs

1. The Commissioner of Fisheries,
Officer of the Commissioner of Fisheries,
3rd Floor, Integrated Animal Husbandry and Fisheries Building,
Nandanam, Chennai 600 035.
2. The Deputy Director of Fisheries,
Office of the Deputy Director of Fisheries,
No.58, 2nd Main Road, Vaanamamalai Nagar,
Bye Pass Road, Madurai 625 016.
3. The District Collector,
Office of the District Collector,
Dindigul, Dindigul District.
4. The Assistant Director,
Office of the Assistant Director,
Fisheries and Fishermen Welfare Department,
Nehruji Nagar, Dindigul District.



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5. The Tahsildar,
Office of the Tashildar,
Vadasandur Post, Dindigul District.

6. Veerasamy

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ Certiorarified mandamus, to call for the records connected with Na.Ka.No.2853/E/2021, dated 27.08.2021 on the file of the Respondent No.2 and quash the same as illegal consequently to direct the Respondent No.1 to take action for conduct fishery rights auction in Kudaganar dam on behalf of the State of Tamil Nadu in accordance with law

For Petitioner : Mr. R. Rajaselvan

For Respondent : Mr.D.Farjana Ghoushia(R1-R5)
Special Government Pleader

ORDER

This writ petition was filed challenging the impugned proceedings of the second respondent, dated 27.08.2021 and for a consequential direction to the first respondent to conduct auction before granting fishery rights in Kudaganar Dam.

2.The fourth respondent has filed a status report. The relevant portions in the status report are extracted hereunder:

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“4.....Tender auction held on 13.07.2021 and the held on 13.07.2021 and the lease sanctioned to Mr. P. Veerasary. S/o Palanisamy for 5 years from 27.08.2021 to 26.08-2026 and the confirmation order was issued by the and respondent vide proceeding NA.KA. EN:2853/C/2021 dated : 27.08.2021.

5. I kindly submit that, Mr M. Subbaiah, S/o Murugesan filed WP (MD) 12270/2021 dated 20.07.2021 in the Honourable Madras high court of Madurai Bench for cancelling the Tender auction of Kudahanaru, Alagapuri Dam. The above case disposed on the same day due to Tender auction confirmation order issued to Mr P. Veerasamy by Department of Fisheries on 13.07.2021.

6.I kindly submit that, the petitioner was replied by 2nd respondent and also communicated by 4th respondent that the auction unable to cancel as confirmation order issued to lessee vide letter NA.KA EN: 2474/E/2021 dated : 29.09.2021

7.1 kindly submit that, as per the tender condition the first year lease (2021-22) period was completed on 26.08.2022 and second year lease amount to be paid on or before 26.08.2022 to renew the lease period.

8.I kindly submit that, As per the 4th respondent letter NA.KA EN: 1418/E/2018 dated : 25.08.2022, the intimation letter has the been sent to lessee by seeking to pay the second year (2022-23) 31 amount with 10 % increased from first year lease amount ie Rs 962500/- and Tamilnadu



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Fishermen welfare board amount Rs 67375/- and total amount of Rs 1029875/-.

9.I kindly submit that, Mr.P. Veerasamy has failed to pay the lease amount within stipulated time. Hence, as per the tender condition number 4 and 5, the 1st respondent was cancelled the fishery rights of the Kudahanaru Dam, Alagapuri vide proceeding Na. KA EN: 17172/F3/2021-2 dated :26.10.2022.

10.I kindly submit that, Mr. P. Veerasamy has filed W.P (MD) 2218/2023 against cancellation of lease of Kudahanaru Dam, Alagapuri in the Honourable Madras high court of Madurai Bench. as per the tender condition, Mr.P. Veerasamy failed to pay the lease amount and renew the fishing rights within stipulated time, lease will not be extended further. The Honourable Justice of Madurai Bench Madras high court has disposed the said case in 01.03.2023.

11.I kindly submit that, again Kudahanaru Dam Fishing rights Tender and Auction Published in local news paper on 7.2.23.Tender auction held on 8.03.2023 and the lease was sanctioned to M/S VMSI Construction, Dindigul District for 5 years from 31.03.2023 to 30.03.2028 and the confirmation order was issued by the 2nd respondent vide proceeding NA. KA.EN:676/E/2023 dated :31.03.2023. now the Lessee continues fishing in said dam.”



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3.It is clear from the above that there are subsequent events that have taken place in this case and the fishery rights was once again put to auction in the year 2022 and that again became a subject matter of challenge before this Court. Even thereafter, the lease amount was not paid and therefore, the fishery rights was not renewed. A fresh auction was called for on 07.02.2023 and based on the same, the lease has now been given in favour of the successful bidder for the period from 31.03.2023 to 30.03.2028.

4.In view of the above, nothing survives for further consideration in this writ petition. Accordingly, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

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



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N.ANAND VENKATESH, J.

PNM

**ORDER IN
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