



W.P(MD)No.22148 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22148 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

P.Murugan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Block Development Officer Admn,
Palayamkottai Panchayat Union,
Palayamkottai, Tirunelveli District.

3.The Assistant Engineer,
(Public Works Department),
(Water Resources Department),
Manimutharu Channel Division,
Manimutharu – 627 421,
Ambasamuthiram Via,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the impugned notice with regard to proposed auction of fishing rights at Elanthaikulam Lake, Melathidiyoor Panchayat, Palayamkottai Panchayat Union to be held on 16.12.2015 by the 3rd respondent and quash the same as illegal and devoid of merits and consequently direct the respondents 1 and 2 issue work order to the petitioner assigning fishing rights in the said lake forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.N.GA.Nataraj,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2.The petitioner took part in the fishery auction held for the petition mentioned tank conducted by the second respondent. He also paid a sum of Rs.1,89,200/-. He had also purchased fishlings for a substantial amount and let them into the tank. At this stage, auction



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notice was issued by the third respondent. Taking into account the overall facts and circumstances, this Court had granted interim order in favour of the writ petitioner and restrained the third respondent from conducting auction. This writ petition was filed in the year 2015.

3.In the counter affidavit, it has been fairly stated that taking into account the Block Development Officer's action and the investment of the petitioner, the auction for the year 2015 – 2016 was given up as far as the petition mentioned tank is concerned. But it was made clear that exemption was only for the current period alone. As rightly pointed out by the learned Government Advocate, in view of G.O.(Ms)No.16 dated 14.01.2011, the tanks no longer vest with the Panchayat Union and they vest with only Public Works Department. The rights of the Public Works Department to conduct auction for the petition mentioned tank cannot be in doubt. But in view of the error committed by the second respondent, the Public Works Department had exempted the petition mentioned tank from the purview of G.O.(Ms)No.16 dated 14.01.2011 for the year in question. The stand of the third respondent is fair, just and reasonable. In any event, this writ petition has become infructuous. It is dismissed



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accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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