



W.P(MD)No.26481 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26481 of 2023

and

W.M.P.(MD)No.22766 of 2023

P.Kailasam

... Petitioner

Vs.

1.The Executive Engineer,
Water Resources Organization/
Public Works Department,
Mel Vaippar Basin Division,
Rajapalayam Post-626 117,
Virudhunagar District.

2.The Assistant Executive Engineer,
Water Resources Organization/
Public Works Department,
Mel Vaippar Basin Sub-Division,
Rajapalayam Post-626 117,
Virudhunagar District.

3.M.Seetharaman

... 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 1 and 2 to cancel the Fishery Rights Auction held on 05.10.2023 and to conduct fresh Fishery Rights Public Auction in respect of Puthukulam Tank, Melur Duraisampuram Village, Rajapalayam Taluk, Virudhunagar District is concerned by duly following the norms prescribed in Tamil Nadu Transparency in Tenders Act and Rules.



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For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.S.Ra.Ramachandran
Additional Government Pleader for R1 & R2

ORDER

Heard both sides.

2. The case on hand pertains to auctioning of fishery rights in respect of the petition mentioned tank. The petitioner is the existing licensee. Auction was conducted on 05.10.2023. The third respondent was granted license. The same is put to challenge in this writ petition.

3. I do not want to go into the merits of the matter. I wanted to know if the petitioner is ready for the competitive bidding with the third respondent in my presence. The petitioner expressed his readiness. The third respondent had offered a sum of Rs.29,000/- towards one year license fee. The petitioner started with the initial bid of Rs.60,000/-. The third respondent made it clear that he is not interested in participating the bid. The petitioner states that he will remit a sum of Rs.60,000/- towards one year license fee to the department and that he would independently pay a sum of Rs.40,000/- directly to the third respondent. A sum of Rs.40,000/- is paid in my presence to the third respondent.



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4. Since the petitioner alone has come forward with the writ petition, the department is directed to issue license in favour of the petitioner upon the petitioner paying all the requisite charges by treating the first year bid amount as Rs.60,000/-, license shall be issued to the petitioner. The department shall return the amount received from the third respondent immediately to him without any delay.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.11.2023

Index : Yes / No
Internet : Yes/ No
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To

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Virudhunagar District.
- 2.The Assistant Executive Engineer,
Water Resources Organization/
Public Works Department,
Mel Vaippar Basin Sub-Division,
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G.R.SWAMINATHAN, J.

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