



W.P(MD)No.29169 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

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THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.29169 of 2022

R.Ganesan

... Petitioner

Vs.

1.The Executive Engineer (WRO),
South Vellaru Basin Division,
Pudukottai District.

2.The Assistant Executive Engineer (WRO),
Water Resource Organisation Department,
South Vellaru Basin Sub-Division,
Pudukottai-622 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 14.12.2022 and to conduct public auction, for the yield in coconut trees standing in water body lands belonging to the respondents department, in transparent manner and to fix the upset prise as per the guidelines received from the Agricultural Department and pass such further or other orders as this Court.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr.A.K.Manikkam
Special Government Pleader



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ORDER

Heard the learned Counsel on either side.

2. The respondents have title over the petition mentioned lands. On the said lands, a number of fruit bearing trees are standing. The respondents conducted public auction to lease out the usufructs. The case of the petitioner is that the respondents must associate the Agricultural Department in the process and fix the upset price and thereafter, hold public auction. No exception can be taken to the said request. Infact in the counter affidavit filed by the second respondent, it is stated that the said practice is being adopted year after year. In paragraph No.10 of the counter affidavit, it is mentioned that even though the Agricultural Department fixed Rs.67/- as value of one coconut tree last year, during public auction it fetched Rs.303.03/- for one coconut tree. I therefore direct the respondents to conduct public auction in respect of the petition mentioned lands after fixing the upset price by calling for report from the Agricultural Department. This writ petition stands allowed. There shall be no order as to costs.

10.01.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr

To

- 1.The Executive Engineer (WRO),
South Vellaru Basin Division,
Pudukottai District.
- 2.The Assistant Executive Engineer (WRO),
Water Resource Organisation Department,
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G.R.SWAMINATHAN, J.

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