



W.P(MD)No.29451 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29451 of 2023

and

W.M.P(MD)Nos.25414 & 25416 of 2023

PR.Arumugam

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Assistant Director of Fisheries,
Department of Fisheries,
Perumal Koil Street,
Sivagangai,
Sivagangai District.
- 3.The Block Development Officer,
Kallal Panchayat Union,
Kallal, Sivagangai District.
- 4.The Commissioner,
Kallal Panchayat Union,
Kallal, Sivagangai District.



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5.The President,
Kambanur Panchayat,
Kallal Panchayat Union,
Thiruppathur Taluk,
Sivagangai District.

6.Nachiyappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the fourth respondent in Na.Ka.A2/2376/2022 dated on 21.11.2023 relating to the tank in Survey Nos. 248 and 255 situated at Thenkarai Village, Thiruppathur Taluk, Sivagangai District and quash the same and consequently direct the respondents 1 to 5 conduct the fresh auction in the above said tanks based on the representation made by the petitioner dated on 22.11.2023.

For Petitioner : Mr.P.Aju Tagore

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R.1 & R.2

Mr.D.Sasikumar
Additional Government Pleader
for R.3 & R.4



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ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned Additional Government Pleader appearing for the respondents 3 and 4. Considering the nature of order to be passed, issuance of notice to the respondents 5 and 6 is dispensed with.

2.The case on hand involves issuance of fishery license of two water bodies falling within the jurisdiction of the fourth respondent. The learned counsel appearing for the petitioner points out that auction was originally proposed to be conducted on 17.10.2023. However, auction was cancelled. It is specifically alleged that without any proper publication, auction was held on 21.11.2023 and license had been issued in favour of the sixth respondent for a sum of Rs.17,500/- (Rupees Seventeen Thousand Five Hundred only). This is assailed on many grounds. One ground is that the sixth respondent is yet to pay the license amount. The second contention is that proceedings are vitiated by lack



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of transparency. More than anything else, the petitioner offers to pay a sum of Rs.1,00,000/- (Rupees One Lakh only).

3.At this stage, the learned Additional Government Pleader appearing for the fourth respondent submits that the auction held on 21.11.2023 has also been cancelled.

4.Be that as it may, the petitioner is permitted to make a representation to the first respondent. The first respondent will issue appropriate direction in this matter immediately and without any delay. The petitioner offers to submit his representation before the first respondent immediately after the receipt of this order copy. The first respondent will take cognizance of the same and look into the matter. If the auction proceedings have not been cancelled, the first respondent will conduct an enquiry and after issuing of notice to the sixth respondent pass final order in the matter. If the auction proceedings have already been cancelled, direction shall be issued for a proper conduct of future auction.



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5. The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The District Collector,
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Sivagangai.
- 2.The Assistant Director of Fisheries,
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- 3.The Block Development Officer,
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G.R.SWAMINATHAN, J.

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