



W.P.No.10312 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10312 of 2024

J. Saraswathy

... Petitioner

Vs

1. The Union of India,
Rep by its Chief Secretary,
Puducherry.

2. The Director,
Rep by its Secretary,
Fisheries and Fisherman Welfare,
Puducherry.

3. The Commissioner,
Oulgaret Municipality,
Puducherry – 5

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to refund the auctioned lease amount paid for the period from 02.07.2020 to 01.07.2021 as the respondent was not able to regularize auctioning



W.P.No.10312 of 2024

and sale of fish in public place and old Goubert fish market and for consequential orders.

For Petitioner : Mr.P.Manivannan

For Respondents : Mr.V.Vasanthakumar,
Additional Government Pleader(Pondy)

ORDER

This writ petition has been filed seeking a direction to the respondents to refund the auctioned lease amount paid for the period from 02.07.2020 to 01.07.2021.

2. The petitioner has taken a lease of the Modern Hygienic Fish Market for the year 2020-2021. During Covid-19, the respondents decided that the auctioning of fish would be carried only in the Modern Hygienic Fish Market. As per the tender for the auction of the Modern Hygienic Fish Market, the petitioner was awarded the contract and directed to deposit the sum of Rs.25,50,000/- as rent for the period of



W.P.No.10312 of 2024

one year to operate “Fish Auction Hall”. Accordingly, the petitioner remitted the said mount. Since the date of the agreement, no auctioneer has come forward to bring fish for sale and auction. Therefore, the petitioner submitted a representation to the respondents to refund the lease amount. However, they have not responded to his request.

3. Heard the learned counsel for the petitioner and the learned counsel for respondents.

4. On perusal of the counter and the submissions made by the respondents, it is seen that the wholesale fish auction hall at Modern Hygienic Fish Market was auctioned and an agreement was also entered into between the petitioner and the respondents for the period from 02.07.2020 to 01.07.2021 for conducting the wholesale operation. Having used the fish auction hall at Modern Hygienic Fish Market, the petitioner cannot seek for refund of the lease amount. Therefore, the request of the petitioner cannot be considered. As such, this writ



W.P.No.10312 of 2024

petition is devoid of merits and liable to be dismissed. Accordingly, this

writ petition is dismissed. There shall be no order as to costs.

22.08.2024

Index:Yes/No

Speaking Order: Yes

srn

To

1. The Chief Secretary,
Union of India,
Puducherry.
2. The Secretary,
Director,
Fisheries and Fisherman Welfare,
Puducherry.
3. The Commissioner,
Oulgaret Municipality,
Puducherry – 5



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W.P.No.10312 of 2024

G.K.ILANTHIRAIYAN, J.

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W.P.No.10312 of 2024

22.08.2024