



W.P.No.32558 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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S.Indirakanthan

.. Petitioner

VS

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Animal Husbandry and Fisheries Department,
Fort St. George, Chennai-600 009.

2.The Assistant Engineer,
Water Resources Department (PWD),
Irrigation Section -II, WRD,
Thiruvallur.

3.Thirumanikuppam Panchayat,
rep. by the President,
Kadambathur Union,
Thiruvallur District.

4.E.Murugesan

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the second respondent relating to the auction notice having Ref.No.6/U.Po-2/2023, dated 20.06.2023 for grant of fishing rights in the lake in Thirumanikuppam Panchayat in Kadambathur Union, Thiruvallur District under the maintenance of the Water Resources Department (PWD) for the year 2023-2024 (from 10.7.2023 to 9.7.2024) by pubic auction on 10.7.2023 and quash the same and consequently grant the lease of the right to fish in Thirumanikuppam lake, Thiruvallur District under the maintenance of Water Reserouces Department (PWD) to the Thirumanikuppam Panchayat, represented by the President Kadambathur Union, Thiruvallur District for the year 2023-2024.

For the Petitioner	: Mrs.Nalini Chidambaram Senior Counsel for Ms.C.Uma
For the Respondents	: Mr.Edwin Prabakar State Government Pleader for respondents 1 and 2
	: Mr.K.Karthik Jegannath Government Advocate for respondent No.3



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ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mrs.Nalini Chidambaram, learned Senior Counsel for Ms.C.Uma, learned counsel for the petitioner; Mr.Edwin Prabakar, learned State Government Pleader for respondents 1 and 2; and, Mr.K.Karthik Jegannath, learned Government Advocate for the third respondent.

2. According to learned Senior Counsel for the petitioner, the contract of fishing rights in the lake in Thirumanikuppam Panchayat has been given to the fourth respondent. It is the prerogative of the Panchayat to get the fishing rights. However, without following the procedure and without the Panchayat saying that it is not interested, the tender has been issued and the fourth respondent is given the fishing rights. The same is illegal.

3. Learned Senior Counsel further submitted that the copy of resolution dated 10.5.2023 placed on record is false. Two subjects are merged in Subject No.16. The same is only to get over the flaw



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committed. The resolution, on the face of it, does not appear to have been passed. No agenda has been placed on record.

4. Learned State Government Pleader submits that all the members of the Panchayat have signed the said resolution. The Panchayat did not come forward to take the fishing rights. As such, the same was auctioned and the Panchayat had granted approval to conduct public auction. The auction period would come to an end on 19.7.2024.

5. The resolution is not the subject-matter of challenge before us. The resolution placed by learned State Government Pleader demonstrates that all the members of the Panchayat have signed the resolution. None of the members of the Panchayat has come forward to oppose the auction. Similarly, none of the members of the Panchayat has said that the Panchayat is ready to take the fishing rights. The contract also would come to an end on 19.7.2024.

7. It will not be possible now to entertain the disputed questions of fact. If the members of the Panchayat would have come forward



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and disputed the resolution, then that would be the subject matter of consideration.

8. In the light of the above, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.32158 and 32159 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

08.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Animal Husbandry and Fisheries Department,
Fort St. George, Chennai-600 009.
- 2.The Assistant Engineer,
Water Resources Department (PWD),
Irrigation Section -II, WRD,
Thiruvallur.
- 3.The President,
Thirumanikuppam Panchayat,
Kadambathur Union,
Thiruvallur District.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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