



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-04-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.1878 of 2024

1.M.Narasimhan
2.M.Bouvanesvarane
3.S.Velu
4.R.Vineeth Kumar
5.C.Chandru,

.. Petitioners

-VS-

1.The District Collector,
Puducherry,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry-605 009.

2.The Deputy Collector (Revenue North),
Kamaraj Salai,
Saram,
Puducherry-605 013.

3.The Commissioner,
Oulgaret Municipality,
Jawahar Nagar,
Puducherry-605 005.



4. The Director,
Department of Fisheries and Fisheries Welfare,
Government of Puducherry (India),
Fishing Harbour Road,
Complex Thengaithittu,
Puducherry-605 004.

5. The President,
Puducherry Mechanized Boat owners Association,
Thengaithittu Fishing Harbour,
Thengaithittu,
Pudhcherry-605 004.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider petitioners' representation dated 20.11.2023 and 27.11.2023 sent through their Association 'Puducherry Anaithu Meen Angadi Motham and Sillarai Viyabarigal Sangam' and issue trade licence to them and take steps to prevent entry of unauthorised persons into MHFM at Lawspet, ECR, Pudhcherry, to sell fishes and not to revive the system of awarding tender to third parties for maintenance of the Market, MHFM and collect maintenance charges directly from the users of the market.

For Petitioners : Mr.S.Pushpakarn

For Respondents : Mr.A.Tamilvanan,
Additional Government Pleader
(Puducherry).



WEB COPY

WP No.1878 of 2



ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 4 to consider petitioners' representation dated 20.11.2023 and 27.11.2023 sent through their Association 'Puducherry Anaithu Meen Angadi Motham and Sillarai Viyabarigal Sangam' and issue trade licence to them and take steps to prevent entry of unauthorised persons into MHFM at Lawspet, ECR, Pudhcerry, to sell fishes and not to revive the system of awarding tender to third parties for maintenance of the Market, MHFM and collect maintenance charges directly from the users of the market.

2. The Government provided space to the petitioners to sell fish.

3. The fifth respondent-Association also setting out the counter claim.



WEB COPY

4. It is needless to state that the Government marketing area/shops are to be leased out by conducting 'E' Auction by following the procedures as contemplated under the Tender Act and Rules.

5. It cannot be allotted by mutual discussion or otherwise, the transparent procedure is to be followed for the purpose of allotment of shops, space for selling fish etc.

6. Hearing the arguments of the parties to the lis on hand, would reveal that the Authorities are not following the due process and therefore, a direction is to be issued.

7. Accordingly, the respondents 1 to 4 are directed to issue Tender Notification by following the due process and by affording opportunity to all the eligible persons, the shops are to be allotted in the manner known to law. The abovesaid exercise is directed to be completed, within a period of twelve weeks from the date of receipt of a copy of this order.



8. With the above direction, the present writ petition stands disposed of. However, there shall be no order as to costs.

29-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The District Collector,
Puducherry,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry-605 009.
- 2.The Deputy Collector (Revenue North),
Kamaraj Salai,
Saram,
Puducherry-605 013.
- 3.The Commissioner,
Oulgaret Municipality,
Jawahar Nagar,
Puducherry-605 005.



WEB COPY

WP No.1878 of 2



S.M.SUBRAMANIAM, J.

Svn

- 4.The Director,
Department of Fisheries and Fisheries Welfare,
Government of Puducherry (India),
Fishing Harbour Road,
Complex Thengaithittu,
Puducherry-605 004.
- 5.The President,
Puducherry Mechanized Boat owners Association,
Thengaithittu Fishing Harbour,
Thengaithittu,
Pudhcherry-605 004.

WP 1878 of 2024

29-04-2024