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W.P.(MD)NO.5438 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5438 of 2024 AND

W.M.P.(MD)No.5210 of 2024

Sundaralinga Poththi

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Executive Engineer,
Water Resource Department,
Chittar Basin Division, Tenkasi District.
3. The Assistant Engineer(PWD),
Water Source Department,
Valliyur Irrigation Section, Tirunelveli District.
4. The Village Administrative Officer,
Urumankulam Village Panchayat,
Thisaiyanvilai Taluk,
Tirunelveli District.
5. Pon Esakki
6. The Inspector of Police,
Kallidaikurichi police station,
Tirunelveli District.
(R-6 is *suo motu* impleaded
vide order dated 11.03.2024)

... Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India, to issue a Writ of Mandamus, directing



respondents 2 and 3 to cancel the public auction held on 28.02.2024 in respect of fishing and Meen pasi lease of Sirukulam and Urumankulam water pond situated at Urumankulam Village, Thisaiyanvilai Taluk, Tirunelveli District and the allotment of Sirukulam and Urumankulam water pond fishing and meen pasi rights in favour of the fifth respondent and consequential direction directing the respondents 2 and 3 to conduct fresh auction by following the appropriate procedure within a time frame fixed by this Court.

For Petitioner : Mr.S.Vishnuvardhan

For R-1 to R-4 : Mr.T.Villavankothai,
Additional Government Pleader.

For R-5 : Mr.M.Rajarajan

For R-6 : Mr.A.Albert James,
Government Advocate.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks cancellation of the public auction held on 28.02.2024 for leasing out the fishery rights in respect of the petition mentioned two tanks, namely, Sirukulam and Urumankulam. The petitioner submitted that proper publication was not given. He has shown



bonafides. The petitioner undertakes to take the lease at the rate of Rs.1 Lakh each for the tanks.

3. The contesting respondent has taken the lease by a sum of Rs.28,100/- for Sirukulam and Rs.42,500/- for Urumankulam. Apart from this, GST was also paid by the fifth respondent herein.

4. Before this Court, the petitioner as well as the fifth respondent appeared. The fifth respondent made a submission that since he had already let in fishlings in the tanks. The petitioner is boldly offering Rs.1 Lakh each for the tanks. He made a further claim that the fishlings were purchased from Muthuvinayaga Fish Farm. In order to contest the aforesaid claim, I *suo motu* impleaded Mr.Senthil Kumar, Inspector of Police, Kallidaikurichi police station, Tirunelveli District. I also had an interaction with the Inspector of Police over Whatsapp and called upon him to furnish the status report. Pursuant to the said direction, the Sub Inspector of Police, Kallidaikurichi police station has filed status report stating that the fifth respondent did not make any direct purchase and that the purchase was done through one Sudalai. It was one month earlier, fishlings had been let in to Sirukulam and not in Urumankulam. The fifth respondent now offered to match the offer made by the petitioner herein. Since subsequent developments have taken



place, this writ petition is disposed of in the following terms:-

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a) The fifth respondent shall pay a further sum of Rs.71,900/- to retain the lease for Sirukulam. Of course he can deduct a sum of Rs.42,500/- already paid by him in respect of Urumankulam. The GST amount remitted by the petitioner will have to be forfeited.

b) The petitioner is directed to pay a sum of Rs.1 Lakh to the second respondent and on payment thereof, the second respondent shall issue lease in favour of the petitioner in respect of Urumankulam. While the lease of the fifth respondent will run from 28.02.2024, the petitioner's lease will run from the date of issuance of lease. This order is issued with the consent of the petitioner and the fifth respondent.

5. I place on record my sincere appreciation to the work done by Mr.Senthil Kumar, Inspector of Police, Kallidaikurichi police station, Tirunelveli District. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

05.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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