



W.P.(MD)No.10794 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10794 of 2025

Boothipuram, Vazhaiyathupatti, Athipatti, Manjinayakkanpatti,
Keppurenganpatti, Valayapatti Village Fishermen and
Agriculturist Welfare Society,
(Sl.No. SRG / Periyakulam / 132 / 2024),
Rep. by its Secretary,
No.28/1A, 1A9, Ramakkaran Street,
Bodhipuram,
Bodinayakkanur Taluk,
Theni District.

... Petitioner

-VS-

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
Bodinayakkanur Taluk, Theni District.

3.The Joint Director of Fisheries,
Fisheries and Fisheries Welfare Department,
Theni Vaigai Dam,
Theni District.

4.FMD - 10 Bodi Fisherman Cooperative Society,
No.71 C, Solai Chokkalingam Nagar,
Karuppasamy Kovil Street,
Bodinayakkanur, Theni District.

... Respondents



W.P.(MD)No.10794 of 2025

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to conduct open tender cum auction for Boothipuram Rajabobala Samuthiram Kanmai situated at Boothipuram, Bodinayakkanur Taluk, Theni District, in light of the judgment passed by this Court in W.A.(MD)No.1251 of 2020 dated 03.02.2021, by considering the petitioner's representations dated 04.03.2025 and 14.03.2025 respectively, within the period that may be stipulated by this Court and pass appropriate orders on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.C.Venkaesh Kumar
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to conduct open tender cum auction for Boothipuram Rajabobala Samuthiram Kanmai, situated at Boothipuram, Bodinayakkanur Taluk, Theni District, in light of the judgment passed by this Court in W.A.(MD)No.1251 of 2020 dated 03.02.2021, by considering the petitioner's representations dated 04.03.2025 and 14.03.2025 respectively and pass appropriate orders on merits and in accordance with law.



W.P.(MD)No.10794 of 2025

WEB COPY

2. Seeking to conduct an open tender cum auction for Boothipuram Rajabobala Samuthiram Kanmai, situated at Boothipuram, Bodinayakkanur Taluk, Theni District, in light of the judgment passed by this Court in W.A. (MD)No.1251 of 2020 dated 03.02.2021, the petitioner has sent representations dated 04.03.2025 and 14.03.2025. Since the same have not been considered so far, the petitioner has filed the present writ petition.

3. Heard both sides.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



W.P.(MD)No.10794 of 2025

WEB COPY

5. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representations dated 04.03.2025 and 14.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the third respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

21.04.2025

To:-

- 1.The District Collector,
Theni District, Theni.
- 2.The Revenue Divisional Officer,
Bodinayakkanur Taluk, Theni District.



W.P.(MD)No.10794 of 2025

WEB COPY

3.The Joint Director of Fisheries,
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W.P.(MD)No.10794 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.10794 of 2025

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