



W.P(MD)No.23043 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)Nos.23043 of 2025

and

W.M.P(MD)Nos.18103 18104 & 18106 of 2025

K.S.K.Jeevanandham

..Petitioner

Vs

- 1.The Government of Tamil Nadu,
rep. by its Principal Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fisherman Welfare Department,
Fort. St. George, Chennai – 9.
- 2.The Commissioner of Fisheries and Fishermen Welfare,
2nd Floor, Integrated Animal Husbandry and Fisheries Building,
Nandanam, Chennai – 600 035.
- 3.The Assistant Director,
Fisheries and Fishermen Welfare Department,
Petchiamman Padithurai,
Madurai, Madurai District.

4.T.Markandeyan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to Impugned order in Se.Mu.Na.Ka.No.30/E/2024-2 dated 10.07.2025 of the 3rd respondent herein and quash the same and consequently direct the respondents 1 to 3 herein to conduct re-tender cum



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public auction in respect of Periya Vagaikulam Kanmai, Tirumangalam Taluk, Madurai District by issuing wide paper publicity as per provisions contained in the Tamil Nadu Transparency in Tenders Act, 1998 and the Tamil Nadu Transparency in Tenders Rules, 2000.

For Petitioner : Mr.T.Pon Ramkumar
For Respondents : Mr.S.Sasikumar
Additional Government Pleader
(for R1 to R3)
Mr.G.Sakthi Rao

ORDER

The writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Se.Mu.Na.Ka.No.30/E/2024-2 dated 10.07.2025 passed by the 3rd respondent, and to quash the same, and consequently to direct the respondents 1 to 3 to conduct a re-tender-cum-public auction in respect of Periya Vagaikulam Kanmai, Thirumangalam Taluk, Madurai District, by issuing wide paper publicity in accordance with the provisions of the Tamil Nadu Transparency in Tenders Act, 1998 and the Tamil Nadu Transparency in Tenders Rules, 2000.

2. The facts, as set out in the affidavit filed in support of the writ petition, are as follows:



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The petitioner belongs to Vagaikulam Village, Thirumangalam Taluk, Madurai District, and claims to be working as a coolie and farmer. It is stated that more than 500 acres of agricultural lands in the village are dependent on water from Periya Vagaikulam Kanmai. Earlier, the respondents leased out reservoirs/kanmais belonging to the Public Works Department and Revenue Department by fixing upset price and conducting tender-cum-open auction without granting priority to Inland Fishermen Cooperative Societies. By virtue of G.O.(Ms) No.201, Animal Husbandry, Dairying and Fisheries (FS. VI) Department, dated 19.10.2017, local fisheries cooperative societies were given priority to take lease of fishing rights of intensive fish culture tanks by paying the upset price. Aggrieved by such priority, W.P.(MD)No.5485 of 2020 was filed. By order dated 31.08.2020, this Court directed the Government to issue orders for tender to the highest bidder after granting opportunity to the cooperative society. A writ appeal was preferred in W.A.(MD)No.1251 of 2020, and by order dated 03.02.2021, the Division Bench issued various directions, including a direction to fix the upset price and thereafter call for tender, and to offer the amount quoted by the successful bidder to the society.

3. Pursuant thereto, the second respondent issued circulars dated 22.12.2021 and 04.01.2022 directing all District Collectors to follow the above directions and conduct open tender-cum-auction by forming a committee. These circulars were challenged in W.P.No.6819 of 2023 and



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batch cases. By order dated 15.06.2023, the Principal Bench allowed the writ petitions, quashed the proceedings dated 04.01.2022, and issued detailed directions and the same are extracted hereunder:

“38. For the reasons aforesaid, the impugned proceedings of the 3rd respondent dated 4.1.2022 is set aside and the writ petitions are allowed with the following observations and directions :-

- i) The cooperative societies composed of fishermen or of Harijans engaged in fishing should first be given an opportunity of taking the fishery on lease for a reasonable rental fixed by the Collector of the District or the authority concerned.
- ii) If the cooperative society is not prepared to take the lease for the amount offered, opportunity should be given to the Panchayat working in the area to take the lease on the same amount. If there are more than one co-operative society in a particular area relatable to fishing, then public auction shall be conducted in the manner indicated in paragraph 2 of RSO 211 by fixing the upset price.
- iii) If neither the cooperative society nor the Panchayat is willing to take the lease, the fishery should be disposed of by public auction in the manner indicated in paragraph 2 of RSO 211.
- iv) The preference, as provided in RSO 211, which has been followed in G.O. Ms. No.332 dated 17.11.1993 shall be scrupulously adhered to.
- v) The respondents are directed to ensure that contamination of water by polluting it for facilitating larger capture of fish and letting the polluted water to the farmer, thereby causing detriment to agriculture, is not resorted to by the leaseholder and if any such infraction is noticed, steps shall be taken by the respondents for cancelling such of the leases granted to such of the lessee.”



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4. Pursuant to the above directions, the first respondent issued G.O. (Ms) No.52 dated 08.07.2024 prescribing combined guidelines/procedures for leasing of fishery rights of water bodies under the Fisheries and Fishermen Welfare Department, Water Resources Department, and Rural Development and Panchayat Raj Department. Contempt petitions were filed alleging violation of the said G.O., and the Government decided to conduct the open tender and auction through the e-tender online system.

5. The petitioner contends that Vagaikulam is a remote village with a population of about 3000, mostly coolies/farmers without computer knowledge and with no proper internet facility. A news item dated 29.05.2025 in Dhinakaran daily stated that 153 kanmais in Madurai District would be leased out through e-tender during various dates between 29.05.2025 and 06.06.2025. The petitioner alleges that though villagers requested copies of the notice, the respondents did not oblige. In the third week of July 2025, the fourth respondent allegedly attempted to clean the kanmai and informed the petitioner that he was the successful bidder.

6. The petitioner asserts that no proper e-tender notification was published as required under the Transparency Act; the village lacked internet connectivity; villagers could not participate; and hence the auction lacked transparency.



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7. The principal argument of the petitioner is that the original notification did not show Vagaikulam as being in Thirumangalam Taluk, and was wrongly described under another Taluk, that the auction date was shown as 05.06.2025, that no proper publication was effected, and that even the notice inviting tender uploaded in the portal has since been removed.

8. The learned Additional Government Pleader, appearing for the official respondents, submitted that the newspaper report was only to inform the general public about the proposed lease, and it contained details of the website from which the notice inviting tender could be downloaded. It is also stated that prior to the tender, the upset price for the various kanmais had been fixed. The allegation that no tender was issued for Vagaikulam, Thirumangalam Taluk, stood disproved by both the newspaper advertisement and the e-tender-cum-auction notice dated 02.06.2025 issued for Vagaikulam. The notice inviting tender contained all requisite forms. On 10.07.2025, the auction was confirmed in favour of the fourth respondent.

9. A perusal of the documents filed along with the counter affidavit clearly shows that the procedure contemplated under the relevant rules and the Transparency in Tenders Act has been fully complied with. The contention of the petitioner regarding non-compliance of Rule 11 of the



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Sources Vested in and Regulated by Panchayat Union Councils) Rules, 1991

is not borne out from the records, as is evident from the tender-cum-auction notice dated 02.06.2025 and the newspaper publication dated 29.05.2025.

The respondents 1 to 3 have fixed the upset price, given adequate publicity, conducted the auction, and awarded the lease to the highest bidder.

10. In view of the above, this Court finds no reason to interfere with the impugned order. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.11.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

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Animal Husbandry, Dairying, Fisheries and
Fisherman Welfare Department,
Fort. St. George, Chennai – 9.
2. The Commissioner of Fisheries and Fishermen Welfare,
2nd Floor, Integrated Animal Husbandry and Fisheries Building,
Nandanam, Chennai – 600 035.
3. The Assistant Director,
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P.T.ASHA, J.

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