



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.04.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.3355 of 2017

and

W.M.P (MD) Nos.2723 and 2724 of 2017

Periya Karpoorampatti Swarna Jeyanthi
Thitta Kalludaippore Nala Sangam,
Regn.No.49 of 2007,
Ottakovilpatti Post,
Ayyapatti Panchayat,
Melur Taluk,
Madurai District,
represented by its President S.Nachi

..Petitioner

Vs

1.The Commissioner of Geology and Mines,
Guindy, Chennai.

2.The District Collector,
Madurai District,
Madurai.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the impugned order passed by the second respondent in his proceedings in Na.Ka.No.345/2016-Mines dated 14.2.2017 insofar as the item at Serial No.19 alone and quash the same as illegal and consequently to direct the first respondent to decide the appeal filed by the Petitioner forthwith.

For Petitioner :Mr.Veerakathiravan
for M/s.Veera Associates

For Respondents :Mr.A.Muthukaruppan
Addl. Govt. Pleader

ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Certiorarified Mandamus calling for the impugned order passed by the second respondent in his proceedings in Na.Ka.No.345/2016-Mines, dated 14.2.2017 insofar as the item at Serial No.19 alone and quash the same as illegal and consequently



to direct the first respondent to decide the appeal filed by the Petitioner forthwith.

2.The Petitioner among other things, averred that the Petitioner is an association registered under the Societies Registration Act and the object of the association is to arrange employment for the bonded labourers. It is the further case of the Petitioner that the second respondent had called for applications by Government Gazattee in Na.Ka.No.425/2013 Mines, dated 11.05.2015 from self-help groups and from Association of Bonded Labourers for issuance of lease directly under Rule 8(10-A) of the Tamil Nadu Mines and Minerals Concession Rules, 1959. The Petitioner made a detailed application along with all necessary documents, certificates and that the Petitioner is duly eligible for participating in the selection process to get the lease directly to the Petitioner/Association. To their shock and surprise, the second respondent had rejected the request of the Petitioner vide proceedings in Na.Ka.No.657 of 2015, Mines, dated 12.01.2017. Against which, the Petitioner has preferred an appeal before the first respondent under Rule 36(C)(2) of the Tamil Nadu Mines and Mineral Concession Rules 1959, dated 23.01.2017 and that the said appeal is pending before the first respondent, in respect of Quarry in S.No.19. When that appeal is pending, without passing any order in the appeal, the respondents are resorting to bring the above quarry for public auction. Aggrieved by the same, the Petitioner has come forward with the present Writ Petition, for the relief stated supra.

3.Though the Petitioner has sought for a larger relief, while arguing the matter, the learned counsel for the Petitioner would submit that it would suffice if the appeal is disposed of within the time limit stipulated by this Court. He would also submit that till the appeal is disposed of, the said quarry will not be brought to public auction, for which, the learned Additional Government Pleader appearing for the respondents, has no objection.

4.Heard the learned counsel for the Petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials placed before this Court.

5.Considering the above submissions made by the Petitioner as well as the learned Additional Government Pleader appearing on behalf of the respondents and considering the fact that the Petitioner has restricted his prayer only to dispose of his appeal within the time limit stipulated by this Court, this Court directs the first respondent to dispose of the appeal of the Petitioner, dated 23.01.2017 within a period of four weeks from the date of ~~the order~~ ^{the order} of this order and to meet the ends of justice, till the above appeal is disposed of, the above quarry shall not be brought into public auction.



6. With the above directions, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

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/TRUE COPY/

Sd/-

ASSISTANT REGISTRAR (CS-III)

SUB ASSISTANT REGISTRAR

To

1. The Commissioner of Geology and Mines,
Guindy,
Chennai.

2. The District Collector,
Madurai District,
Madurai.

+1 CC TO M/S. VEERA ASSOCIATES, ADVOCATE, SR NO. 52542

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO. 52788

vsn

MAS/KP:02.05.2017:3P-5C

W.P (MD) No. 3355 of 2017
and

W.M.P (MD) Nos. 2723 and 2724 of 2017

18.04.2017 (1/3)