



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.04.2017

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.3467 of 2017

and

W.M.P (MD) Nos.2817 to 2819 of 2017

Pasumpon Mahalir Mandram,
(Registraion No.80 of 2015),
represented by its Secretary,
P.Kanagavalli.

..Petitioner

Vs

1.The Commissioner/Director of Geology and Mines
Department,
Guindy, Chennai- 600 032.

2.The District Collector,
Madurai District,
Madurai.

3.The Assistant Director of Geology and Mining,
Madurai.

4.The Revenue Divisional Officer,
Madurai, Madurai District.

5.The Tahsildar,
Melur Taluk Office,
Madurai District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to quash the second respondent's notification in Na.Ka.No.345/2016-Mines, as far as the auctioning of stone quarry mentioned in Serial No.20 at Page No.20 of the said notification dated 14.2.2017 situated at S.No.21/1(p), Kachirayanpatti Village, Melur Taluk, Madurai District as illegal and consequently to direct the first respondent to decide the appeal filed by the Petitioner forthwith.

For Petitioner

:Mr.M.Kannan

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

:Mr.G.Muthukannan
Govt.Advocate



ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Certiorari to quash the second respondent's notification in Na.Ka.No.345/2016- Mines, as far as the auctioning of stone quarry mentioned in Serial No.20 at Page No.20 of the said notification, dated 14.02.2017 situated at S.No.21/1(p), Kachirayanpatti Village, Melur Taluk, Madurai District 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 women 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 11.5.2015 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.345/2016-Mines, dated 14.02.2017. 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 7.2.2017 and that the said appeal is pending before the first respondent, in respect of Quarry in S.No.20. 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 Government Advocate appearing for the respondents, has no objection.

4.Heard the learned counsel for the Petitioner and the learned Government Advocate 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 Government Advocate 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 7.2.2017 within a period of four weeks from the date of receipt of a copy 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.

Sd/-

ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The Commissioner/Director of Geology and Mines
Department,
Guindy, Chennai- 600 032.
2. The District Collector,
Madurai District,
Madurai.
3. The Assistant Director of Geology and Mining,
Madurai.
4. The Revenue Divisional Officer,
Madurai, Madurai District.
5. The Tahsildar,
Melur Taluk Office,
Madurai District.

+1 CC TO MR. M. KANNAN, ADVOCATE, SR NO. 52650

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO. 52758

vsn

MAS/KP:02.05.2017:3P-8C

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