

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 08.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P(MD)No.3987 of 2017**and****W.M.P(MD)Nos.3177 & 3178 of 2017**

Roja Freed Bonded Labourers Welfare Association,
(Reg. No. 32 of 2004)

Rep. By its President,
M.Muthammal

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Secretary,
Industries Department,
Fort St.George,
Chennai - 9.

2. The District Collector,
Madurai District,
Madurai.

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

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

... Respondents

PRAYER: Writ Petition has filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the files of the 2nd respondent pertaining to its notification in Na.Ka.No.345/2016-Minerals dated 14.02.2017, with regard to serial number 27 and to quash the same and consequently directing the respondents to grant mining license to the petitioner's association.

For Petitioners : Mr.S.C.Herold Singh

For Respondents : Mr.S.Kumar,

Additional Government Pleader

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ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned notification of the respondent in Na.Ka.No.345 of 2016-Minerals dated 14.02.2017, with regard to Serial No.27 and to direct the respondents to grant mining license to the petitioner's



association.

2. According to the petitioner, their members are freed from the illegal clutches as bonded labour by the Sub Divisional Magistrate and Revenue Divisional Officer, Palani, by proceedings dated 21.12.2003, in ROC No.10671/2008/A1 and thereafter, they formed an Association, called "the Roja Freed Bonded Labourers Welfare Association", which is eligible for grant of stone quarry lease under Rule 8(10-A) of the Tamil Nadu Mines and Minerals Concession Rules, 1959. Therefore, they had made a detailed application along with all necessary particulars to the second respondent for grant of stone quarry lease. But, the second respondent rejected their claim and against which, the petitioner has preferred an appeal before the first respondent, which is said to be pending. In the meanwhile, the second respondent issued the impugned notification calling for public auction including the quarry in dispute in Serial No.27. Aggrieved by the same, the petitioner has come up with the present writ petition, seeking to quash the impugned notification insofar as Serial No.27 is concerned.

3. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. This Court, in similar circumstances, in **Pasumpon Mahalir Mandram and Roja Mahalir Mandram vs. Commissioner of Geology and Mines Department, Guindy and others, in W.P(MD)Nos.3467 & 3468/17** passed an order dated 18.04.2017, wherein, it is held as follows:

..."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 07.02.2017, 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"...

5. Considering the facts and circumstances of the case and following the above judgment, this Court, without going into the merits of the claim of the petitioner, directs the first respondent to dispose of the appeal of the petitioner, dated 09.02.2017, within a period of four weeks from the date of receipt of a copy of this order. Until such time, the quarry involved in this case, shall not be brought for public auction.



6. This writ petition is disposed of as above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True copy/

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Sub Assistant Registrar

To

1. The Secretary to the Government,
Industries Department,
Fort St.George,
Chennai - 9.

2. The District Collector,
Madurai District,
Madurai.

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

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

+1 CC to M/s.S.C.HEROLD SINGH, Advocate, SR No. 71086/17.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 71657.

GK

PSM/MR-KKR/SAR4/17.08.2017/3P/7C

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and

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