



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.4764 of 2017

and

WMP (MD) Nos.3809 to 3811 of 2017

Rameshwari

...Petitioner

Vs.

1.The Commissioner,
Geology and Mines and Minerals,
Guindy, Chennai - 32.

2.The District Collector,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records from the 2nd respondent of the Notification in Na.Ka.No.K.V.1/34889/2015 - Mines dated 03.03.2017 and to quash the same.

For Petitioner : Mr.T.Bashyam
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate.

ORDER

This writ petition has been filed seeking a Writ of Certiorari to quash the impugned Notification in Na.Ka.No.K.V.1/34889/2015 - Mines, dated 03.03.2017 issued by the second respondent.

2.The facts of the case in nutshell is as follows:

i)The petitioner's organization is a Self-help Group and the same has been registered under the Tamil Nadu Societies Registration Rules, 1978.

ii)According to the petitioner, the petitioner submitted an application dated 30.01.2017, to the 2nd respondent herein seeking lease on the Government poramboke land situated in Survey No.782/12 (Para-1) to the extent of 1.00.0 hectares at Ayyankollankondan Village, Rajapalayam Taluk, Virudhunagar District.



iii) The 2nd respondent by his proceedings in Na.Ka.No.K.V.1/3245/2017-2 dated 02.03.2017, rejected the said application and on 03.03.2017 issued a Notification in Na.Ka.No.K.V.1/34889/2015-Mines, calling for tenders for the purpose of stone quarrying, which is challenged in this Writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. When the matter is taken up for hearing on 20.03.2017, after hearing both sides, this Court passed the following order:

"...4. In the light of the above factual aspects of the matter, this Court is not inclined to grant an order of interim stay as prayed for in the writ petition. However, since, the learned Government Advocate submitted that the last date for receipt of application is today (i.e. 20.03.2017) by 4.00 p.m., in the interest of justice, this Court directs the respondents to receive the application of the petitioner's organisation today (i.e. 20.03.2017) upto 6.00 p.m., without waiting for an order copy of this order, in order to enable the petitioner organisation to participate in the general auction. Therefore, the petitioner organisation is directed to enclose all the necessary documents as required for participating in the general auction. It is made clear that in view of the peculiar case projected before this Court, though the time scheduled for tender is fixed upto 4.00 p.m., it is extended upto 6.00 p.m., and this shall not be taken as a precedent in future cases."

5. The learned Government Advocate submitted that the petitioner failed to submit his tender application, as directed by this Court on 20.03.2017, so as to participate in the auction. He further submitted that subsequent to the closure date, the auction was conducted on 21.03.2017 and the lease was subsequently confirmed in favour of the highest tenderer / auctioner. To substantiate his submission, the learned Government Advocate produced the proceedings of the 2nd respondent herein in Rc.No.KV1/34889/2016 dated 11.04.2017.

6. Perusal of the proceedings of the 2nd respondent in Rc.No.KV1/34889/2016 dated 11.04.2017, proves the contention of the learned Government Advocate.



7. Under such circumstances, nothing survives for further adjudication in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Geology and Mines and Minerals,
Guindy, Chennai - 32.

2. The District Collector,
Virudhunagar District.

+1cc to Special Government Pleader, SR.No. 64455

WP (MD) No. 4764 of 2017
and

WMP (MD) Nos. 3809 to 3811 of 2017
07.07.2017

GK/SMN

JM/SKN RSK/SAR 3/18.07.2017/3P/4C