



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.16122 of 2016

and

WMP(MD)No.11793 of 2016

Lax Blue Metals

Rep.by its Director,S.Louis Antro Balan,82-B2,Vinayagar Street
Chettikulam Junction,Nagercoil. ... Petitioner

vs.

The District Collector,
O/o.The District Collector,
Kanyakumari District,
Kanyakumari.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to Open the tender in Tender Notification in Na.Ka.No.03/Pu.Ma.Su/2016 dated 08.01.2016 on the file of the Respondent for the rough stone tender at Survey No.720 Block I and II Marungur village (presently Nallor Village) Agastheeswaram Taluk Kanya Kumari District in serial Nos. 1 and 2 in the list of quarries in the tender notification for the rough stone tender at Survey No. 720 Block I and II Marungur Village (presently Nalloor Village), Agastheeswaram Taluk, Kanyakumari District within a stipulated time.

For Petitioner : Mr.J.Pandidorai

For Respondent : Mr.C.Selvaraj
Special Government Pleader

O R D E R

The petitioner seeks for a Mandamus directing the respondent to open the tender issued in pursuant to tender notification, dated 08.01.2016, in respect of rough stone quarry in Survey No.720 Block I and II Marungur Village (presently Nalloor Village), Agastheeswaram Taluk, Kanyakumari District.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

3.The grievance of the petitioner is that even though the petitioner submitted its tender, the respondent has not proceeded further with the tender process by opening the tender submitted by the parties.

4.On the other hand, it is submitted by the learned Special Government Pleader that because of the order passed by this Court in W.P. (MD)No.1626 of 2016, dated 22.06.2016, in a writ petition filed



by one Malar Aangal Kal Udaipor Sangam, further proceedings in the tender process could not be commenced and completed.

5. It is seen that the said writ petition was filed by the said Sangam challenging the very same tender notification and consequently for a direction to the respondents therein to dispose of their appeal petition, dated 21.01.2016. It is further seen that the said Sangam has sought some preferential treatment in allotting the quarry lease in their favour. It is also seen that this Court while disposing the above writ petition, directed the said appeal preferred by those petitioners to be disposed of within a period of four weeks.

6. The learned Special Government Pleader has submitted that the said appeal is still pending and not yet disposed of. Therefore, unless and until the appeal is disposed of by the Commissioner of Geology and Mining, Chennai, the prayer sought for in this writ petition, cannot be entertained. Therefore, the appellate authority, viz., the Commissioner of Geology and Mining, Chennai, has to pass the orders, as directed by this Court in W.P.(MD)No.1626 of 2016, without loss of further time.

7. Accordingly, this writ petition is disposed of with a direction to the said appellate authority viz., Commissioner of Geology and Mining, Chennai, to dispose of the appeal as directed by this Court in W.P.(MD)No.1626 of 2016 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after hearing all the parties concerned. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To
The District Collector,
O/o. The District Collector,
Kanyakumari District,
Kanyakumari.

Copy to:
The Commissioner of Geology and Mining,
o/o the Commissioner of Geology and Mining,
Thiru.vi.ka.Industrial Estate,
Guindy, Chennai 600 032.

+1 CC TO SPECIAL GOVERNMENT PLEADER, SR NO.10064
+1 CC TO MR.T.LAJAPATHI ROY, ADVOCATE, SR NO.10010

rj2

MAS/SV-MMS:14.03.2017:2P-5C

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W.P (MD) No.16122 of 2016
22.02.2017