



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :17.03.2017
CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.639 of 2016

and

W.M.P.(MD).Nos.518 and 519 of 2016

K.Arumugam

.. Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Assistant Director of Geology and

Mining,

Collectorate, Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in Sl.No.23 of Pudukkottai District Gazette Notification No.17 dated 22.12.2015 and quash the same besides forbearing the respondents from commencing quarry operation in S.F.No.183/1 quarry No.3 of Melur Village, Kulathur Taluk, Pudukkottai District.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.R.Anandharaj

Government Advocate

ORDER

By consent, this writ petition is taken up for final disposal.

2. This writ petition has been filed praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in Sl.No.23 of Pudukkottai District Gazette Notification No.17 dated 22.12.2015 and quash the same besides forbearing the respondents from commencing quarry operation in S.F.No.183/1 quarry No.3 of Melur Village, Kulathur Taluk, Pudukkottai District.



3. The petitioner would aver among other things that the property comprised in S.F.No.181/1, Quarry No.3 is classified as "parai" in the revenue records and rock quarry operation was never carried out in that place, as there is a temple, by name, Kannimar Theivangal Kugai Kovil and the entire villagers used to worship the said temple.

4. It is the further case of the petitioner that adjacent to S.F.No.183, an irrigation tank is situated in S.F.No.171, which is the only major irrigation source available for the wet lands. On previous occasion, this land was brought for auction and due to the protest from the villagers, no action had been taken place. But, to the shock and surprise of the petitioner, the first respondent vide gazette notification dated 22.12.2015 notified various quarry sites for quarry being carried out by the Women Self-help group. It is further averred by the petitioner that the villagers used to do agricultural operations in S.F.No.183 and if quarrying permission is granted, the entire agricultural activities would come to a halt and hence, he came forward with this writ petition challenging the notification dated 22.12.2015 for the afore-said relief.

5. A detailed counter affidavit has been filed by the respondents stating that as per Rule 8 (10-A) of the Tamil Nadu Minor Mineral Concession Rules, 1959, (in short 'the Rules') the eligible stone quarries available in the government poramboke lands have to be notified in the District Gazette for directly granting quarry lease to the eligible SGSY groups and bonded labours societies. Accordingly, 81 stone quarries have been notified in the Pudukkottai District Extraordinary Gazette No.17, dated 22.12.2015 and the quarry in question is with an extent of 1.00.0 hectares in Melur Vilalge, Kulathur Taluk. 37 applications had been received from various self-help group societies for 19 stone quarries, out of total 81 quarries notified. However, no applications either from SGSY groups or leased bonded labourers had been received for the remaining 62 quarries including the subject stone quarry disputed in the writ petition. As per Rule 8 (1)(a) of the Tamil Nadu Minor Mineral Concession Rules 1959, in order to augment mineral revenue to government exchequer, the remaining 62 quarries including the subject stone quarry in connection with this writ petition have been notified in the District Gazette Notification No.1 dated 21.01.2016 for the grant of quarry leases to the general public under tender cum auction.

6. It is further averred that the District Collector had conducted tender cum auction on 10.02.2016 and in respect of the subject quarry, one R.Kubendiran has offered Rs.54 Lakhs as one time lease amount for the subject quarry. Since the amount offered by the said Kubendiran was more than the upset price of Rs.52.14 Lakhs fixed by the District Collector, he has been declared as successful bidder for the subject quarry No.3 over an



extent of 1.00.0 hectare in S.F.No.183/1 of Melur Village, Kulathur Taluk. The said R.Kubendiran has remitted Rs.6.35 lakhs towards 10% of lease amount through demand draft and he has been directed to remit the balance amount of 90% within seven days from the auction date as stipulated in the said Rules, so as to confirm the lease in his favour and accordingly, he remitted the balance amount on 16.02.2016.

7. In view of the subsequent notification issued in District Gazette No.1 dated 21.01.2016 and challenging the same, another writ petition W.P.(MD).No.2822 of 2016 was filed by the same writ petitioner and it was dismissed by an order dated 09.02.2016 and in view of the subsequent development, the present writ petition has also become infructuous.

8. Considered the submissions made on either side and perused the material available on record.

9. As rightly pointed out by the learned Government Advocate that the quarry in question was called for auction in the notification dated 22.12.2015, but, it did not fetch any purchasers from the eligible self-help groups which was challenged in the present writ petition. But, subsequently, the same quarry was brought for auction in the District Gazette Notification No.1 dated 22.01.2016 and the auction was held on 10.02.2016 and the said notification was challenged by this petitioner on 21.01.2016 in W.P.(MD).No.2822 of 2016 which was dismissed by this Court, by an order dated 09.02.2016 and therefore, the present writ petition has become infructuous. The petitioner has not filed any appeal against the above order.

10. In the light of the factual position of this matter, this writ petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To,

1.The District Collector, Pudukkottai District.

2.The Assistant Director of Geology and Mining,
Collectorate, Pudukkottai District.

+One cc to The Special Government Pleader, SR.No.15826

ssm

RL/4C/3P/KP/SAR4.27.4.2017

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