



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P(MD)Nos.245 and 246 of 2018
and
W.M.P. (MD) .Nos.249 to 254 of 2018

1. Kurunchi Nagar Pechiyamman Stone Braking,
Women Labours Welfare Association,
(Registration No.129 of 2015),
Kurunchi Nagar,
Ottakovilpatti Post,
Melur Taluk, Madurai District,
Rep. By its Secretary,
R.Panayammal

... Petitioner in
W.P.(MD).No.245 of 2018

2. Vairavanpatti Sri Karuppayee Amman Stone Braking,
Women Labours Welfare Association,
(Registration No.130 of 2015),
Vairavanpatti,
Ottakovilpatti Post, Melur Taluk,
Madurai District,
Rep. by its Secretary,
D.Veeralakshmi.

... Petitioner in
W.P.(MD).No.246 of 2018

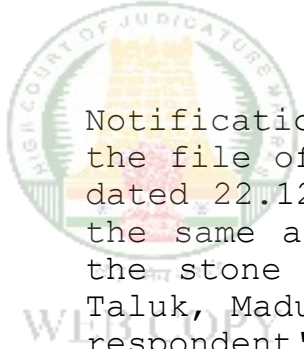
Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Commissioner,
Geology and Mining Department,
Guindy, Chennai - 600 032.
(R-2 is suo motu impleaded vide order
dated 08.01.2018)

... Respondents
in both Writ Petitions

PRAYER IN WP(MD).No.245 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for records relating to the Tender



Notification made in Na.Ka.No.1678/2017/Mines, dated 21.12.2017 on the file of the respondent published in the Madurai District Gazette dated 22.12.2017 insofar as the Serial No.34 is concerned and quash the same and directing the respondent to award contract to operate the stone quarry at S.No.207(Part-1A), Thiruchunai Village, Melur Taluk, Madurai District from 11.01.2018 to the petitioner as per the respondent's earlier Notification dated 01.08.2016.

PRAYER IN WP(MD).No.246 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for records relating to the Tender Notification made in Na.Ka.No.1678/2017/Mines, dated 21.12.2017 on the file of the respondent published in the Madurai District Gazette dated 22.12.2017 insofar as the Serial No.35 is concerned and quash the same and directing the respondent to award contract to operate the stone quarry at S.No.207(Part-1B), Thiruchunai Village, Melur Taluk, Madurai District from 11.01.2018 to the petitioner as per the respondent's earlier Notification dated 01.08.2016.

For Petitioner : Mr.V.Kannan
 For Respondent : Mr.B.Pugalendhi,
 Additional Advocate General
 assisted by Mrs.J.Padmavathy Devi
 Special Government Pleader
 (in both Writ Petitions)

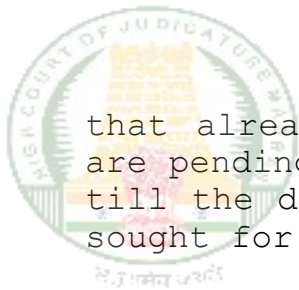
COMMON ORDER

The Commissioner, Geology and Mining Department, Guindy, Chennai - 600 032, is *suo motu* impleaded as party respondent in these writ petitions.

2. Challenging the auction notification issued by the first respondent calling for tenders to lease out stone quarry in Madurai District, the petitioners have filed these writ petitions.

3. The petitioners claimed to be the Women Labours Welfare Associations, registered under the Societies Registration Act, earlier filed applications before the first respondent to grant lease for stone quarry in certain areas under Rule 8 (10)(a) of Tamil Nadu Mines and Mineral Concession Rules, 1959. The above applications have been rejected by the first respondent. Aggrieved by the same, the petitioners filed an appeal before the Commissioner of Geology and Mining Department, Chennai. During pendency of the said appeal, a notification was issued by the first respondent, calling for tenders to lease out stone quarry in certain areas for which the petitioners are seeking lease.

4. In the above circumstances, the petitioners filed these writ petitions challenging the auction notification on the ground



that already the appeals have been filed by the petitioners which are pending with the Commissioner of Geology and Mining, Chennai and till the disposal of the appeals the area for which the petitioners sought for lease cannot be put into public auction.

5. The learned counsel for the respondents has submitted that the first respondent has already reserved the right of the petitioner in the auction notification itself and has stated that the auctioning of the above areas for which the appeals are pending is subject to the result of the appeals. In the above circumstances, since the right of the petitioners have already been protected in the auction notification, there is no necessity to set aside the auction notification.

6. In these circumstances, there are no merit in these writ petitions. Accordingly, these writ petitions are dismissed. No costs, Consequently, W.M.P(MD).Nos.249 to 254 of 2018 are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.
2. The Commissioner,
Geology and Mining Department,
Chennai.

+ 2 CC TO Mr.V.KANNAN, ADVOCATE IN SR No. 41062 & 41063
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 41542

KMI/PNN
TE/SV-MMS/SAR-1 : 10/04/2018 : 3P/6C

ORDER MADE IN
W.P (MD) No.245 and 246 of 2018
08.01.2018