



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.506 of 2018

in

WMP (MD).Nos.503 to 505 of 2018

WEB COPY

Roja Mahalir Mandram,
(Registration No.81 of 2015)
rep.by its President
R.Nachammal, W/o.Rajendran,
Ambalakaranpatti,
Vanjinagaram Village,
Karungalakudi Post,
Melur Taluk,
Madurai District.

... Petitioner

Vs.

1.The Secretary,
Industries (MMC-2) Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner/Director of
Geology & Mines Dept.,
Guindy,
Chennai - 600 032.

3.The District Collector,
Madurai District,
Madurai.

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

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

6.The Tahsildar,
Melur Taluk Office,
Madurai District.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Certiorarified Mandamus, to quash the impugned notification issued by the third respondent in Na.Ka.No.1678/2017-Mines dated 21.12.2017 in so far as the auctioning of stone quarry mentioned in Serial No.36 at Page No.24 of the said notification dated 21.12.2017 situated in Survey No.399/2A(P-1)situated in



Vanjinagaram Village, Melur Taluk, Madurai District as illegal and consequently direct the first respondent to decide the appeal filed by the petitioner forthwith.

For Petitioner : Mr.M.Kannan
For Respondents : Mr.B.Pugalendhi
Additional Advocate General
assisted by Mr.Aayiram K.Selvakumar
Additional Government Pleader.

ORDER

The petitioner, being a Women Self Help Group, claims some priority under Rule 8 (10)(A) of the Tamil Nadu Minor Mineral Concession Rules, 1959, filed this writ petition, challenging the auction notification issued by the District Collector, Madurai, the third respondent herein for leasing out various stone quarries in Madurai District.

2.Heard Mr.M.Kannan, learned counsel appearing for the petitioner and Mr.B.Pugalendhi, learned Additional Advocate General for the respondents. By consent, this writ petition is taken up for final disposal at the stage of admission itself.

3.When the matter is taken up for hearing, learned Additional Advocate General appearing for the respondents submitted that the petitioner's application has already been rejected by the District Collector. Challenging the same, an appeal has been filed before the second respondent and the same has also been dismissed. Aggrieved by the same, second appeal is pending before the first respondent. Moreover, in the auction notification, the right of the petitioner has been protected stating that any auction conducted is subject to the result of the appeal pending before the first respondent. Therefore, the notification issued passed by the third respondent does not require any interference.

4.In view of the submission made by the learned Additional Advocate General that the petitioner's right has already been protected in the auction notification, auction cannot be stalled at this stage. Hence, this writ petition is dismissed. However, the first respondent is directed to dispose of the appeal filed by the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, WMP(MD)Nos.503 to 505 of 2018 are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1.The Secretary to Government of Tamil Nadu,
Industries (MMC-2) Department,
Secretariate, Chennai - 600 009.

2.The Commissioner/Director of
Geology & Mines Dept.,
Guindy, Chennai - 600 032.

3.The District Collector,
Madurai District, Madurai.

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

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

6.The Tahsildar,
Melur Taluk Office,
Madurai District.

+1cc to M/S.M.Kannan, Advocate SR.No. 41818

+1cc to Special Government Pleader, SR.No. 41748

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10.01.2018

mj

JM/SKN RSK/SAR 4/24.01.2018/3P/9C