



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Writ Petition (MD) No.5093 of 2018

and

W.M.P (MD) Nos.5076 and 5077 of 2018

M.Murugan

... Petitioner

Vs.

1.The Commissioner of Geology and Mining,
Guindy, Chennai 600 032.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the proceedings of the impugned gazette notification issued by the 2nd respondent vide his proceedings in Na.Ka.No.M1/42702/2017 dated 24.02.2018 as amended vide his proceedings in Na.Ka.No.M1/42702/2017 dated 28.02.2018 in so far as it relates to the stone quarry situated in Survey No.279 Panagudi Village Radhapuram Taluk, Tirunelveli District (mentioned in serial No.2 and 3 in the notification) and quash the same and consequently direct the 1st respondent to consider the petitioner's claim of reviving his leasehold right prayed for through his representation dated 24.10.2015.

For Petitioner

: Mr.R.Anand

For Respondents

: Mr.Aayiram K.Selvakumar,

Additional Government Pleader.

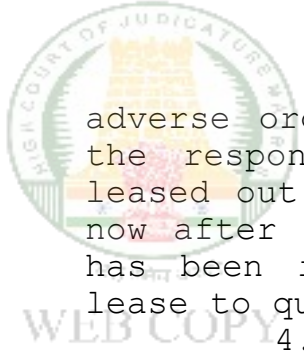
ORDER

This writ petition has been filed challenging the auction notification issued by the second respondent for granting lease to quarry stone in Government poramboke lands.

2.According to the petitioner, earlier, the land in S.No.279, Panagudi Village, Radhapuram Taluk was leased out to him in the year 1995. The lease was subsequently was cancelled by the authorities and the said order has been challenged by the petitioner by way of revision and the revision was also dismissed. Thereafter, the petitioner sent a representation to the second respondent dated 24.10.2015 for granting lease. Based on the said representation, the first respondent vide proceedings dated 23.02.2016 directed the Assistant Director, Tirunelveli to submit action taken report on the representation of the petitioner dated 24.10.2015. When the above representation is pending, now, the second respondent called for public auction. Hence, the present writ petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Admittedly, the petitioner's lease was cancelled during the year 2000 which was also challenged by the petitioner and got an



adverse order. Learned Additional Government Pleader appearing for the respondents submitted that in the meantime, the quarry was leased out to some third parties from 12.10.2010 to 11.10.2015 and now after expiry of the above said lease, the present notification has been issued including the property in question for granting lease to quarry stone by way of public auction.

4. Admittedly, the petitioner's lease has been cancelled in the year 2000 itself and subsequently, the quarry has been leased out to third parties from 2010 to 2015 and now, the quarry was once again brought for public auction, after expiry of the above lease period. In the above circumstances, the petitioner cannot challenge the auction notification issued by the second respondent, after the lapse of 18 years of cancellation of his lease.

5. Considering the fact that since the representation dated 24.10.2015 submitted by the petitioner is pending with the first respondent, the first respondent is directed to consider the representation of the petitioner dated 24.10.2015 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. However, the second respondent is directed to proceed with the auction as scheduled.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD) Nos. 5076 and 5077 of 2018 are closed.

Sd/
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Geology and Mining,
Guindy, Chennai 600 032.

2. The District Collector,
Tirunelveli District, Tirunelveli.

+1cc to Mr.R.Anand, Advocate, SR.No.54644

+1cc to M/s.Special Government Pleader, SR.No. 54506

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