



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.07.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM

and

THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

W.P. (MD) No.676 of 2018

and

W.M.P. (MD) Nos.700 and 701 of 2018

S.Subramanian

... Petitioner

Vs.

1.The Commissioner,
Geological & Mines Department,
Guindy,
Chennai - 32.

2.The District Collector,
Madurai District,
Madurai.

3.P.Boomirajan

(R3 is impleaded vide order dated 30.07.2018 in W.M.P. (MD) No.12829 of 2018)

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, 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 2nd respondent published in Madurai District Gazette dated 22.12.2017 insofar as the Serial Nos.33,34 and 35 are concerned and quash the same.

For Petitioner : Mr.V.Kannan for

Mr.P.Venkata Subramanian

For Respondents : Mr.K.Chellapandian, AAG Assisted by

Mr.Rajarajan, G.A(Crl.Side) for R1 and R2

Mr.G.Prabhurajadurai for R3

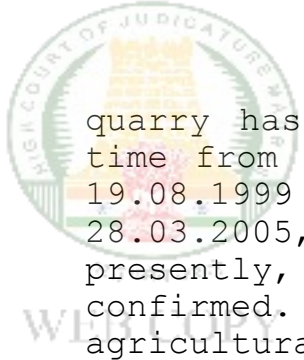
ORDER

(Order of the Court was made by C.T.SELVAM,J.)

This Writ Petitioner seeks issuance of a Writ of Certiorari, to call for the records relating to the tender notification made in Na.Ka.No.1678/2017/Mines, dated 21.12.2017 issued by the 2nd respondent published in Madurai District Gazette on 22.12.2017 insofar as Serial Nos.33,34 and 35 are concerned and quash the same.

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

2.Learned Additional Advocate General has informed that the



quarry has been in operation, having been auctioned from time to time from 1999. The first auction was for the period between 19.08.1999 and 18.04.2004, the second between 29.03.2005 and 28.03.2005, the third between 15.10.2010 and 14.10.2015 and presently, the highest bid in a sum of Rs.1,50,05,000/- has been confirmed. The only allegation is that operations of nearby agricultural lands are affected.

3. Such allegation is totally false and as a result of the present Writ petition has been moved informing the same to be a Public Interest Litigation and pursuant to an order of this Court, requiring mining operation be kept in abeyance, Government is suffering huge loss of revenue.

4. When the petitioner has thought it fit to move alleging public interest, he is on duty to implead as party respondent one who would be adversely affected by any other that may be passed by this Court.

5. Recording the submission of learned Additional Advocate General, we would dismiss the present Writ petition also for the reason that the party presently impleaded in W.M.P.(MD)No.12829 of 2018 who is the successful bidder and who has parted a sum of Rs.1,50,05,000/- has not been made a party to this petition.

6. For the purpose of completion, we would record the submission of Mr. Prabhurajadurai, that both environmental clearance as also environmental impact assessment have been obtained for operation of such quarry. This petition shall stand dismissed. No costs. Consequently, connected W.M.P.s are closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Commissioner,
Geological & Mines Department,
Guindy,
Chennai - 32.

2. The District Collector,
Madurai District,
Madurai.

+1cc to Mr. G. Prabhurajadurai Advocate in Sr.No.75817.

+1cc to Special Government Pleader in Sr.No.75894.

+1CC to Mr. P. Venkata Subramanian Advocate in Sr.No.75872.

NBJ