



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.07.2019
CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.7170 of 2012
and
M.P.(MD)Nos.1 and 2 of 2012

A.Raja

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Theni District.

2.The Assistant Director (Mines),
Office of the District Collector,
Theni, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in ref.Na.Ka.No.121/Mines/2012 dated 07.05.2012 served on the petitioner on 22.05.2012 forfeiting the earnest money deposit and 10% of the bid amount of the petitioner and quash the same and consequently direct the respondents herein to confirm the tender in favour of the petitioner for stone quarry in S.No.333 part in an extent of 1.13.5 hec of Government Poramboke land at A.Kamatchipuram Village, Periyakulam Taluk, Theni District by receiving the balance bid amount of Rs.8,23,500/- without any further delay.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.J.Padmavathy Devi
Special Government Pleader

ORDER

The petitioner seeks quashing of order dated 07.05.2012 passed by the District Collector forfeiting earnest money deposit and 10% of the bid amount as deposited by the petitioner in respect of the call for tender for stone quarry in Survey No.333 ad measuring 1.13.5 hectares in Government Poramboke Land at A.Kamatchipuram Village, Periyakulam Taluk, Theni District. He also seeks a direction to the respondent to receive the balance bid amount.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.



3. The Learned Special Government Pleader confirms that the auction has been conducted and lease granted way back in the year 2012. Thus, there is no question of revisiting the same at this juncture. As far as the refund is concerned, the counter filed by the respondent states that in the event of failure to remit the bid amount, the earnest money deposit stands forfeited to Government as per Rule 8(5)(b) (vii) of the Tamil Nadu Minor Mineral Concession Rules, 1959. It is only in strict adherence of the same, that the impugned order has been passed.

4. Be that as it may, the counter itself notices that a representation has been filed by the petitioner, dated 30.04.2012, bringing to the notice of the first respondent a personal exigency faced by the petitioner, on account of which there was a delay in remitting the tender amount. Though the counter states that the District Collector is not empowered to condone the delay in remittance of the 90% of bid, as the representation has been made within five days from the date of tender and the same is admittedly still pending, let the same be disposed on merits within a period of two weeks from date of receipt of a copy of this order.

5. This writ petition is disposed of in the aforesaid terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Office of the District Collector,
Theni District.

2.The Assistant Director (Mines),
Office of the District Collector,
Theni, Theni District.

+1 CC to SPL GP SR-75050.

+1 CC to Mr.K.APPADURAI, Advocate SR-74861.

W.P(MD)No.7170 of 2012

11.07.2019

CS(16.09.2019) 2P 5C

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