



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.24475 of 2019

and

W.M.P.[MD]Nos.21102 & 21103 of 2019

L.Thangapandiyan

: Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Assistant Director,
Mines and Minerals Department,
Theni.

3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Door No.15-4-A3, SAR Complex,
Bodhipuram Road,
Theni.

4.The Tahsildar,
Aandipatti Taluk,
Theni.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records pertaining to the tender notification of the first respondent in செ.ம.தொ.இ/1348/வரைகலை/2019 in respect of Survey Nos.1290/Part 1, 1290 Part 2, 1290 Part 3 and 1290 Part 4 at Kovilpatti Village, Aandipatti Taluk of Theni District and consequently direct the respondent to preserve the hillocks in the aforesaid survey numbers as it is.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



2. Heard Mr.C.M.Arumugam, learned Counsel appearing on behalf of the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing on behalf of the respondents.

3. The petitioner claiming that he is a public interest litigant seeks for a Writ of Certiorarified Mandamus to quash the tender notification stated to have been issued by the first respondent bringing for auction sale, the right to quarry rough stone in the land in question.

4. Two grounds are raised by the petitioner. Firstly by contending that minimum 15 day period is required to be adhered to in terms of Rule 8(1)(d) of the Tamil Nadu Minor Mineral Concession Rules, 1959 [hereinafter referred to as 'the Act']. Secondly, it is contended that the quarry is within the prohibited distance as stipulated in Rule 36(1)(A)(a).

5. So far as the first ground is concerned, it makes it evidently clear that the petitioner is not a Public Interest Litigant, but a rival tenderer. His intension is to stop the tender process. Therefore, this itself is sufficient to reject the prayer sought for by the petitioner. So far as the second ground is concerned, it is absolutely vague. The quarry is not a virgin quarry, it is an existing quarry. The auction has been conducted today and two of the sites have already been finalised in favour of the highest bidder.

6. For such reason, we are not inclined to interfere with the impugned order as a Public Interest Litigation. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1. The District Collector,
Theni District,
Theni.



2.The Assistant Director,
Mines and Minerals Department,
Theni.

3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Door No.15-4-A3, SAR Complex,
Bodhipuram Road,
Theni.

4.The Tahsildar,
Aandipatti Taluk,
Theni.

+1 CC to Mr.C.M.ARUMUGAM, Advocate (SR-100779[F] dated 22/11/2019)
+1 CC to SPL GP (SR-100384[F] dated 21/11/2019)

Order made in
W.P. [MD]No.24475 of 2019
Dated: 20.11.2019

MK (09.12.2019) 3P 7C