



W.P.(MD) No.19482 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.19482 of 2020

and

W.M.P.(MD) Nos.16247 and 16248 of 2020

S.Thangavelu

... Petitioner

/vs./

The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned order made by the respondent in Na.Ka.No.369/2020/Minerals dated 04.12.2020 and quash the same as illegal and consequently direct the respondent to accept the balance tender amount of Rs.5,50,000/- and issue work order for the stone quarrying in S.No.149, Karattampatti Village, Musiri Taluk, Tiruchirapalli District.



W.P.(MD) No.19482 of 2020

WEB COPY

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent : Mr.R.Ragavendran
Government Advocate

ORDER

The above writ petition is filed for the issue of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made by the respondent in Na.Ka.No.369/2020/Minerals dated 04.12.2020, quashing the same as illegal and consequently directing the respondent to accept the balance tender amount of Rs.5,50,000/- and issue work order for the stone quarrying in S.No. 149, Karattampatti Village, Musiri Taluk, Tiruchirapalli District.

2.It is the case of the petitioner that he had participated in an auction for grant of quarrying lease to quarry stones in respect of the Government Poramboke land in S.No.149, measuring an extent of 1.00.0 hectare at Karattampatti Village, Musiri Taluk, Thiruchirappalli District. The notification was published in the District Gazette on 03.11.2020. The petitioner was declared as successful bidder on a bid price of Rs.6,50,000/-. He had remitted a sum of Rs.75,000/- towards 10% of the bid amount and a sum of Rs.25,000/- towards an earnest money deposit, totally a sum of Rs.1,00,000/- on the date of the auction itself. The



W.P.(MD) No.19482 of 2020

remaining amount of Rs.5,50,000/- was required to be remitted within a period of 7 days. However, out of the 7 days, two days were Saturday and Sunday and on account of the Nivar Cyclone on 25.11.2020, the Government had declared a Government Holiday. Therefore, out of the 7 days, 3 days had been declared as Holidays and on 26.11.2020, the petitioner had approached the office of the respondent to remit the balance. The respondent requested him to wait and thereafter the amount was not received and the petitioner has sent a representation on 30.11.2020 setting out the above details and requesting permission of the respondent to remit the balance. However, the respondent had passed the impugned order dated 04.12.2020 signed on 05.12.2020 stating that since the balance amount has not been paid within the stipulated time, the request was rejected.

3.Today when the matter was listed, it was brought to the notice of this Court that Rule 8 (5) (b) (vii) of the Tamil Nadu Minor Mineral Concession Rules, 1959 had undergone amendment by virtue of G.O.(Ms) No.208, Industries (MMC.1) Department, dated 21.09.2020, wherein the word 'a week's time' has been substituted with the expression “fifteen days”. Therefore, applying the



W.P.(MD) No.19482 of 2020

amended Rule, the payment made by the petitioner was well within the stipulated time. Therefore, the rejection of his bid by the respondent is against the Rules. Consequently, the Writ Petition is allowed. The impugned order passed by the respondent in Na.Ka.No.369/2020/Minerals dated 04.12.2020 is set aside. The petitioner shall pay the balance amount of Rs.5,50,000/- on or before 30.06.2023. On receipt of the balance amount, the bid of the petitioner will be followed by the usual agreements/licences. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

16.06.2023

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To

The District Collector,
Tiruchirapalli District,
Tiruchirapalli.



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W.P.(MD) No.19482 of 2020

P.T.ASHA, J.

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W.P.(MD) No.19482 of 2020

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