



WP(MD). No.23436 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 24/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.23436 of 2024 and
WMP(MD) No.19840 of 2024**

Allinagaram Vidiyal Kall Udaikkum
Magalir Sangam
105/A Grama Committee Complex,
VM Savadi Street
Allinagaram, Theni District.

... Petitioner

Vs

1. The District Collector,
Theni, Theni District..

2. The Project Director,
District Rural Development Agency,
Theni District..

3. The Assistant Director (Mines and Minerals),
O/o.The District Collectors Office, Theni..

4. Allinagaram Nallakurumban Ka,
LI Udaikkum Magalir Sangam,, No.5,
Sriram Nagar, Allinagaram,
Theni District, Rep by its President,
Chellameena

... Respondents

(R4 is impleaded vide
order dated 22.10.2024 in WMP(MD)No.20563/2024)



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No. 110/Minerals/2024 dated 05.09.2024 and quash the same and consequently directing the 1st respondent to reconsider the petitioner's application and grant lease in favour of the petitioners association in so far as the Item No. 7 of the notification issued by the 1st respondent in Na.Ka.No.579/Minerals/2023 dated 18.01.2024 morefully in S.No. 2202/1 ward A, Block 10 TS No.4 Part situated at Allinagaram Village, Theni District within the time stipulated by this Court.

For Petitioner : Mr.Sricharan Rangarajan
Senior counsel for
Mr.C.Jeganathan

For Respondents : Mr.D.Gandhiraj for R1 to R3
Special Government Pleader

Mr.I.Romeo Roy Alfred for R4

ORDER

The writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 05.09.2024 and consequently to direct the 1st respondent to reconsider the petitioner's application and



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grant lease in favour of the petitioner association insofar as Item No. 7 of the notification issued by the 1st respondent in Na.Ka.No. 579/Minerals/2023 dated 18.01.2024 more fully in S.No. 2202/1 ward A, Block 10 TS No.4 Part situated at Allinagaram Village, Theni District.

2. It is the case of the petitioner that the petitioner is a registered society and self help group. The 1st respondent issued notification in Na.Ka.No.579/Minerals/2023 dated 18.01.2024 for leasing the stone quarry. As per the conditions in the notification, the association must be registered under the Societies Registration Act and when the petitioner uploaded the application, the said application has been rejected on the following two grounds:

(i) The petitioner self help group has not uploaded in the DAY-Nulm portal, and

(ii) The petitioner self help group is not connected with any of the self help group.

3. The learned Senior counsel brought to the notice of this Court that experience certificate issued by the District Collector to show that



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that the petitioner is a registered self help group, they are connected to the stone quarry and communication issued by the District Collector would show that they are experienced. However, impugned proceedings have been issued merely on the ground that particulars have not been uploaded in the portal opened in this regard.

4. An impleading application has been filed by another self help group like that of the petitioner. According to the impleaded respondent No.4, though it has applied for two places, viz., S.Nos.6 and 7, as far as item No.6, their application has been rejected and for item No.7, their application has been accepted and they have been selected and initial amount has also been paid by them.

5. Counter affidavit has been filed by the 3rd respondent, wherein, in Paragraph No.7, it has been stated as under:

“It is submitted that the Special Committee scrutinised and verified the certificate of registration, the quarry experience certificates of the members, the actual strength of members, the details of leases granted previously and other related matters. Then the report of the 2nd Respondent was taken for scrutiny. As



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said in para 5, he did not recommend for grant of lease to the petitioner since the petitioner's Sangam has not been uploaded in "DAY-Nulm" Website and this failure on the part of the petitioner disqualifies the Sangam for grant of lease and the Special Committee also accepted the recommendation of the 2nd Respondent and recommended for rejection of petitioner's application. Based on this recommendation of the Special Committee, the 1st Respondent passed orders rejecting the application of the petitioner in her proceedings Rc. No. 110/Mines/2024 dated 05.09.2024. Aggrieved by this the present writ has been filed.

6. I have considered the rival submissions and perused the materials available on record and the notification dated 18.01.2024.

7. No doubt, there was no cut off date and a condition is made to the effect that all the particulars have to be uploaded in the DAY-Nulm portal. But in the communication sent later, which has been produced before this Court, dated 23.09.2024, makes it clear that a communication has been sent by the Project Director dated 28.05.2024 to upload all the



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particulars of the other self help groups, who have not uploaded the particulars therein. Based on that communication, a complaint letter has been sent to the District Collector to the effect that four self help groups, who have not originally uploaded the particulars in the web site, have been later uploaded and communication has also been sent to the District Collector. Therefore, this Court is of the view that communication relied upon by the petitioner dated 23.09.2024 will not serve any purpose to the petitioner. What is to be seen is the date of notification and on that date, there was no particulars uploaded in the web site.

8. It is pointed out that the notification clearly indicates that particulars in the web site have not been uploaded. However, in the conditions, it is not made as mandatory to the effect that the particulars should be uploaded in the web site. In the absence of any such conditions, rejecting the application cannot be sustained in the eye of law.

9. The other ground on which rejection has been made to the effect that the petitioner is no way connected with the self help group is not



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come within the ambit of SGSY groups. Though it is not specifically spelled out, it is actually meant for them. It is relevant to note that Rule 10(A) of the Tamil Nadu Minor Mineral Concession Rules makes it clear that application should be called for grant of licensed places of stone quarries only to the Swarna Jayanthi Gram Swarozgar Yojana Scheme Groups (SGSY groups). Further communication sent by the officials in this regard clearly indicates that the petitioner association has been called for for enquiry. If the petitioner has not been registered under the scheme, they have not come within the ambit of that scheme. Their application would not have been received and would not have called for meetings. Therefore, the order of rejection on the different ground, which is not a condition prescribed, cannot be sustained.

10. In view of the above, as the impugned order of rejection has been passed mainly on the different grounds, which are totally against the lease conditions and hence, the impugned order stands quashed. As the work order has not been commenced, the 1st respondent shall re-assess and re-validate the capacities of the self help groups and pass orders. Such an order shall be passed within a period of two weeks from the date



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of receipt of a copy of this order.

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11. The writ petition is allowed accordingly. No costs.

Consequently connected Miscellaneous Petition is closed.

24.10.2024

NCC : Yes/No

Index : Yes/No

RR

TO

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N.SATHISH KUMAR,J

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