



W.P.No.10259 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.03.2025

Coram

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10259 of 2025

and

W.M.P.No.11548 of 2025

N. Saravana Sabapathy,
S/o Natarajan,
No.1-4, Park Street,
Soundaram Nagar,
Sanjeevarayanpettai,
Salem-636 006.

... Petitioner

Verses

1.The Commissioner of Geology and Mining,
Thiru. Vi. Ka. Industrial Estate,
Guindy, Chennai-600 016.

2. The District Collector
Perambular District,
Perambalur.

3. The Assistant Director,
Department of Geology and Mining,
Perambalur District.

... Respondents



W.P.No.10259 of 2025

WEB COPY

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue of a Writ of Certiorarified Mandamus, to call for records of the 2nd Respondent's Tender Notice in Tender No.01/G&M-PMB/20225 dated 17.02.2025 and quash the clause 9 (e) of the Tender Notice in Tender No.01/G&M-PMB/2025 dated 17.02.2025 as arbitrary and unreasonable and consequently, direct the 2nd respondent to permit the all successful bidder to remit the balance 90% of bid amount upon receiving the Environmental Clearance.

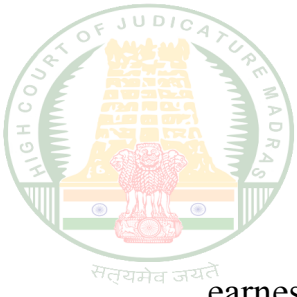
For Petitioner : Mr.Nagendra Prasath

For Respondents : Mr.M.Sureshkumar
AAG-II Asst. by Mr.E.Vijaya Anand
AGP for R1 to R3

ORDER

This writ petition is filed challenging the tender notice in Tender No.01/G&M-PMB/2025 dated 17.02.2025 and quash the clause 9(e) of the Tender Notice.

2. The grievance of the petitioner is that as per the said clause in the tender, when the participants initially pay 10% of the value by way of



W.P.No.10259 of 2025

WEB COPY

earnest money deposit, they are also required to deposit the balance 90% within a period of 30 days. Now, it is incumbent on the successful bidders to obtain environmental clearance before proceeding with the matter in any manner whatsoever. The Environmental Clearance takes its own course and many a time, it is delayed and also not granted and the other States, like, Telangana have modify their Rules to the effect that the period shall commence from the date of obtaining of the environmental clearance. Therefore, the clause 9(e) is arbitrary and it is liable to be interfered with by this Court.

3. Per contra, Mr.M.Sureshkumar, the learned Additional Advocate General-II, taking notice, would submit that after the environmental clearance was made mandatory, the Government had taken the exercise of amending the Rules and the amended Rules are now published *vide* G.O. Ms No.21, Natural Resources (MMC.1),31stJuly 2024. Even as per the Rules 18(16)(h), the balance 90% have to be paid within a period of one month from the date of declaration of the bidder as the successful bidder.

3/6



W.P.No.10259 of 2025

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Therefore, when the Rule provision prevails as on date, the same is incorporated as a tender condition and the same cannot be found fault with, in the absence of the challenge to the Rules.

4. I have considered the rivals submissions made on either side and perused the material records of the case.

5. Once the Rule provision as per the State of Tamil Nadu is very clear, the challenge to the tender condition cannot be entertained. Therefore, giving liberty to the petitioner to take recourse against the said Rules in the manner known to law, accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

20.03.2025

Neutral citation: no
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4/6



W.P.No.10259 of 2025

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To,

1.The commissioner of Geology and Mining,
Thiru. Vi. Ka. Industrial Estate,
Guindy, Chennai-600 016.

2. The District Collector
Perambular District,
Perambalur.

3. The Assistant Director,
Department of Geology and Mining,
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W.P.No.10259 of 2025

D.BHARATHA CHAKRAVARTHY,J.

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W.P.No.10259 of 2025

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