



W.A(MD)No.2617 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A(MD)No.2617 of 2024

and

C.M.P(MD)No.18220 of 2024

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

... Appellant /
4th Respondent

Vs.

1.Allinagaram Vidiyal Kall Udaikkum
Magalir Sangam,
105/A, Grama Committee Complex,
V.M.Savadi Street,
Allinagaram,
Theni District.
Rep. by its President,
V.Vanaja

... 1st Respondent /
Petitioner

2.The District Collector,
Theni, Theni District.

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



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4.The Assistant Director (Mines and Minerals),
O/o.The District Collector's Office,
Theni.

... Respondents 2 to 4/
Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order dated 24.10.2024 in W.P(MD)No.23436 of 2024 and allow this Writ Appeal.

For Appellant : Mr.Isaac Mohanlal, Senior Counsel
for Mr.I.Romeo Roy Alfred

For Respondents : Mr.Sricharan Rengarajan
Senior Counsel
for Mr.C.Jeganathan for R.1

Mr.G.V.Vairam Santhosh
Additional Advocate General
for R.2 to R.4

JUDGMENT

(By G.R.Swaminathan J.)

Heard the learned senior counsel on either side.

2.The District Collector, Theni issued tender notification dated 18.01.2024 inviting applications from self-help groups registered under the Swarna Jayanthi Gram Swarozgar Yojana Scheme (SGSY) for being allotted quarry lease. 12.02.2024 was the last date for submission of applications. The appellant as well as the writ petitioner were among the applicants.



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3. Vide order dated 05.09.2024, the appellant's application was accepted for one item, whereas the contesting respondent's application was rejected. The reason for rejection was that the contesting respondent had not uploaded their registration details on the DAY-NULM (Deendayal Antyodaya Yojana – National Urban Livelihoods Mission) portal. Challenging the said order, the contesting respondent herein filed W.P(MD)No.23436 of 2024. The appellant subsequently got themselves impleaded as the fourth respondent. The learned single Judge vide order dated 24.10.2024 quashed the rejection order and remanded the matter to the authority for fresh consideration in the following terms:

“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 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



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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 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



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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 of receipt of a copy of this order.”

Questioning the same, this writ appeal has been filed.

4.The learned Senior Counsel appearing for the appellant pointed out that the learned Single Judge had misdirected himself by focusing only on the tender conditions. According to him, the learned single Judge did not notice that the requirement of registering oneself as SGSY is a condition precedent even for submitting the application. He therefore called upon this Court to set aside the order of the learned single Judge and allow this writ appeal. He also pointed out that the appellant’s application had already been accepted and the appellant had also paid 1/4th of the lease amount.



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5.Per contra, the learned Senior Counsel appearing for the writ petitioner / contesting respondent strongly supported the order impugned in the writ petition and called upon this Court to dismiss the writ appeal.

6.The learned Additional Government Pleader appearing for the authorities submitted that even though they have not formally challenged the order of the learned single judge, they are sailing with the appellant.

7.We carefully considered the rival contentions and went through the materials on record.

8.It is not in dispute that the impugned tender notification was issued by the District Collector, Theni, under Rule 8(10-A) of the Tamil Nadu Minor Mineral Concession Rules, 1959. Rule 8(10-A)(a) of the Tamil Nadu Minor Mineral Concession Rules, 1959 reads as follows:

“8(10-A)(a) Notwithstanding anything contrary contained in this rule, the District Collector shall, by notification in the District Gazette published in the month of April every year, call for applications for direct grant of leases of stone quarries to the [Swarna Jayanthi Gram Swarozgar Yojana Scheme Groups (hereinafter called SGSY groups)] registered either under the Tamil



Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) or under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975) and the Societies formed by released bonded labourers, subject to the following conditions, namely :-

(i) ...

(ii)

(iii) ...

(iv) ...

(v) ...

(vi) ...

(vii) All members of the society should have worked in any stone quarry for a period of not less than two years. The District Collector concerned is authorised to issue certificate to this effect.

(Viii)

Explanations:-

(i) ...

ii)

(iii) ...”

A reading of the aforesaid Rule would indicate that SGSY groups registered either under the Tamil Nadu Co-operative Societies Act, 1983 or under the Tamil Nadu Societies Registration Act, 1975 are eligible to apply under the aforesaid Rule.



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9.The writ petitioner had registered themselves under the Tamil Nadu Societies Registration Act, 1975 on 22.05.2015 (S.No.107/2015).

The primary question that calls for consideration is whether the writ petitioner can be called as a registered SGSY Self Help Group.

10.The learned Senior Counsel appearing for the writ petitioner pointed out that the SGSY scheme was replaced with effect from 01.04.2013. The Ministry of Rural Development, Government of India, launched a new program known as NRLM. This program was subsequently renamed as “Deendayal Antyodhaya Yojana - National Rural Livelihoods Mission (DAY-NRLM)”. Likewise, self help groups operating in urban areas, which were originally falling under the Swarna Jayanti Shahari Rozgar Yojana (SJSRY) came under National Urban Livelihoods Mission (DAY-NULM).

11.Rule 8(10-A)(a) pertains only to rural self-help groups. Therefore, the question of such groups registering under DAY-NULM will not arise at all. The order rejecting the writ petitioner's application rests on the premise that the writ petitioner did not register themselves under DAY-NULM. Since the writ petitioner is a Rural Self-Help Group,



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they could not have registered themselves under a scheme meant for urban livelihood mission.

12.The appellant had also filed this appeal under the same misconception. The appellant thinks that DAY-NULM has replaced the earlier scheme. It is not so. On 01.12.1997, to commemorate the golden jubilee of Indian independence, the Government launched Swarna Jayanti Shahari Rozgar Yojana (SJSRY) to provide gainful employment to the urban unemployed or under employed through setting up of self employment ventures. On 01.04.1999, Swarna Jayanti Gram Swarozgar Yojana was launched to cover the rural poor. SGSY was replaced by NRLM (National Rural Livelihood Mission), now renamed as Deendhayal Antyodaya Yojana (National Rural Livelihoods Mission (DAY-NRLM). On 24.09.2013, SJSRY was replaced by National Urban Livelihoods Mission (now renamed as DAY-NULM). Thus, it is clear that SJSY has been replaced only by DAY-NRLM and not DAY-NULM.

13.Section 8 of the General Clauses Act, 1897 provides that any reference to the provision of a repealed enactment should be read as reference to their corresponding provision in the newly enacted statute.



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When an Act is repealed and re-enacted, unless a different intention is expressed by the legislature, the reference to the repealed Act would be considered as reference to the provisions so re-enacted. This rule of construction proceeds on the premise that there is correspondence between the repealed one and the re-enacted one. If there is no such correspondence, the question of invoking Section 8 does not arise at all. The reference to the repealed Act or provision in the repealed Act may have to be ignored as otiose. The tender notification talks of self-help groups registered under SGSY. Rule 8(10-A)(a) of the Tamil Minor Mineral Concession Rules, 1959 employs the expression “SGSY groups”. Such groups must be registered under the Tamil Nadu Act 30 of 1983 or 27 of 1975. The rule talks of registration under one of the Acts and not under the SGSY. As already mentioned, correspondence must be shown between the repealed provision and the re-enacted provision. The authority must show that there was a provision for registration under SGSY and that there is provision for registration under DAY-NRLM. The burden to show this correspondence lies on the authority. This burden has not been discharged. That apart, both the schemes (DAY-NRLM as well as SGSY) envisage extending assistance to the rural poor. They can be individuals or informal groups. They need not even be



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registered. When the scheme itself does not contemplate registration, the authorities could not have rejected the writ petitioner's application on the ground of non-registration under DAY-NULM which does not correspond to SGSY. SGSY matches only with NRLM and not with NULM. The element of correspondence is material and this fact was not taken note of by the authority concerned. It would be in the fitness of things if Rule 8(10-A)(a) of the Tamil Nadu Minor Mineral Concession Rules is amended so as to shed greater clarity. The rule-makers only intended that any self-help group (SHG) that has registered itself under Tamil Nadu Cooperative Societies Act or the Tamil Nadu Societies Registration Act can apply under the aforesaid Rule. By using the expression SGSY group, needless ambiguity has been created. When the scheme itself was replaced and restructured in 2013, corresponding changes should have been made in the rule also. Some nimble footedness is called for. Law must keep pace with changes and not lag behind.

14. There appears to have been a needless confusion on this score. The Reserve Bank of India had issued Master Circulars to govern both these missions i.e., Rural Livelihoods Mission and Urban Livelihoods



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Mission. The learned Senior Counsel appearing for the writ petitioner took us through the contents of both the Master Circulars dated 01.07.2016. It is seen that, as regards NULM, one has to apply and get registered. But that is not the case with NRLM. NRLM will have to identify the target group and hand-hold them by extending their support to rural self-help groups. The question of applying and registering under NRLM is not envisaged at all anywhere. That is why the learned single Judge chose to focus more on the conditions annexed to the tender notification. The official respondents do not dispute the claim that the members of the writ petitioner group are women who were engaged in stone breaking for 10 years. The District Collector had given them experience certificate on 10.02.2024 which was well before the cut-off date.

15.The learned Single Judge did not direct the authorities to award tender or quarry lease in favour of the writ petitioner. Both the writ petitioner and the appellant are women self help groups. Both of them deserve hand holding and encouragement. The learned single Judge had only called upon the authority to re-visit the issue. No preferential treatment has been given to anyone. We are of the view that interference with the impugned order is not called for.



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16.This Writ Appeal stands dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

[G.R.S., J.] [R.P, J.]
10.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA/skm

To

- 1.The President,
Allinagaram Vidiyal Kall Udaikkum
Magalir Sangam,
105/A, Grama Committee Complex,
V.M.Savadi Street,
Allinagaram,
Theni District.
- 2.The District Collector,
Theni,
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- 4.The Assistant Director (Mines and Minerals),
O/o.The District Collector's Office,
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