

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO(S).34-35 OF 2016

K.KATHIR KAMARAJ

Appellant(s)

VERSUS

DIST.COLLECTOR & ORS.

Respondent(s)

WITH

C.A. No. 36/2016

C.A. No. 33/2016

C.A. No. 41/2016

C.A. No. 37-38/2016

O R D E R

CIVIL APPEAL NO(S).34-35 OF 2016 :

We have heard learned counsel for the parties at considerable length who have taken us through the orders passed by the learned Single Judge and the Division Bench of the High Court of Madras. The Division Bench has, while dealing with the question whether the leased area was a virgin quarry observed as under:

"42. Having already visited the quarries in person, as has been provided for by the Gazette Notification and having been satisfied with the condition of the quarries and having participated in the auction process and emerged as the highest bidders and enjoyed the lease hold rights for the entire period of five years, the lessees have resorted to the method of quarrelling with the physical nature of the quarries only at the fag-end of their lease periods, which clearly shows their mala fide intention. The specific case of the respondent/State is that since it is not a virgin

land, they have rightly granted the lease only for a period of five years and the petitioners have also participated in the auction knowing fully well that the period of lease was only for a period five years and have also executed the lease deeds for a period of five years only and under Rule 8(8)(ii) of the Rules, no further extension of lease could be granted in favour of the petitioners and hence the petitioners are not entitled for further period of five years, with which we are in total conformity."

We see no error much less any perversity in the view taken by the Division Bench of the High Court that the appellant having participated in the auction on the basis of a notification that described the area to be an existing quarry, could not after obtaining the lease turn around and claim that the area is not an existing but a virgin quarry. That is particularly so, when in terms of the conditions of the tender notice all the intending bidders including the appellant were free to visit the area in-question and satisfy themselves about the conditions obtaining at the site. That apart all those who had participated in the auction had proceeded on the basic premise that the tender is for an existing quarry. Any change in the nomenclature of the area after the conclusion of the auction, would amount to changing the rules of the game after the game is played. This may apart from being unfair and unreasonable also prejudice the competing bidders who could

have, if they had been told that the area auctioned is not an existing quarry available for five years but a virgin quarry that could be secured for ten years, made a better offer than the one made by the appellant. Be that as it may, the High Court was justified in declining the relief prayed for by the appellant for the reasons recorded by it.

These appeals accordingly fail and are hereby dismissed. No costs.

Civil Appeals NO.33, 36, 37-38 and 41 of 2016:

In view of our Order in Civil Appeal No(s).34-35 of 2016 nothing further survives for the consideration of this Court in these appeals which too fail and are hereby dismissed. No costs.

.....CJI.
(T.S. THAKUR)

.....J.
(R. BANUMATHI)

.....J.
(UDAY UMESH LALIT)

NEW DELHI
DATED 21st APRIL, 2016.

ITEM NO.7

COURT NO.1

SECTION XII

S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS
Civil Appeal No(s).34-35 of 2016

K.KATHIR KAMARAJ

Appellant(s)

VERSUS

DIST.COLLECTOR & ORS.

Respondent(s)

(with appln. (s) for permission to file additional documents)

WITH C.A. No. 36/2016

C.A. No. 33/2016

C.A. No. 41/2016

C.A. No. 37-38/2016

Date : 21/04/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
 HON'BLE MRS. JUSTICE R. BANUMATHI
 HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. M.S. Ganesh, Sr. Adv.
 (CA 34-35/2016) Mr. R. Ayyam Perumal, Adv.
 Mr. K. Seshachary, Adv.
 Ms. Enakshi Mukhopadhyay, Adv.

(CA 36, 33, 41 & Mr. K. K. Mani, Adv.
 37-38 of 2016) Mr. K. Ramakrishna Reddy, Adv.
 Ms. P. Kalpa Reddy, Adv.
 Ms. T. Archana, Adv.

For Respondent(s) Mr. Subramonium Prasad, Sr. Adv.
 Mr. B. Balaji, Adv.
 Mr. Muthuvel Palani, Adv.

 Ms. Chandan Ramamurthi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

In terms of the signed order, these appeals are dismissed.

No costs.

(MAHABIR SINGH)
 COURT MASTER

(VEENA KHERA)
 COURT MASTER

(Signed order is placed on the file)