



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A. (MD) No.1425 of 2017

in

W.P. (MD) No.4690 of 2017

and

Modified Order in W.M.P. (MD) No.8128 of 2017

and

C.M.P. (MD) 11567 of 2017

V.V.Mineral,
Keeraikaranthattu,
Tisayanvilai Village,
Tirunelveli District.

...Appellant / 3rd party

/Vs./

1. M/s.Indian Rare Earth Ltd.,
Manavalakurichi,
Kanyakumari District - 629 252
Represented by its Head.1st respondent / writ petitioner
2. The Secretary to Government,
Industries (MMDI) Dept. Government of Tamilnadu,
Fort St. George,
Chennai - 09.
3. The Commissioner of Geology & Mining,
Guindy,
Chennai - 32.
4. The District Collector,
Kanyakumari District,
Nagercoil - 629 001. Respondents 2 to 4 / Respondents

Prayer: Writ Appeal - filed under Section 15 of Letters Patent Act to set aside the order dated 21.04.2017 made in W.P.(MD)No.4690 of 2017 and modifying order in W.M.P.(MD)No.8128 of 2017 dated 13.07.2017 on the file of this Court.

Prayer in WP(MD). 4690/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 3rd respondent to grant the transport permits to the petitioner as conveyed vide its letter dt.MK/HRM-
<https://hcmisecourtindia.org/services/>

LEG/2017 dated 23.01.2017 in respect of the Mining Leases in G.O.Ms.1114 dated 12.08.1981 and G.O.3(D) 6 dated 28.01.2000.

Prayer in WMP(MD). 8128/ 2017 :

To modify the order to the extent to issue transport permits within in a stipulated time period as made in WP(MD) No.4690 of 2017 dated 21.04.2017.

Prayer in CMP(MD). 11567/ 2017 :

This Civil Miscellaneous Petition filed under section 151 of CPC praying to revoke the leave granted to the First Respondent vide order dated 13/10/2017 made in CMP(MD).No.9338 of 2017 in WA (MD).SR.No.32600 of 2017, on the file of this Honourable Court in the interest of justice.

For Appellant : Mr.S.Meenakshi Sundaram
Senior Counsel
For Respondents : Mr.Krishna Srinivasan
For Mr.S.Rama Subramanian Associates

ORDER

(Order of this court was made by **K.KALYANASUNDARAM, J.**)

This appeal is directed against the orders passed in W.P.(MD) No.4690 of 2017 dated 21.04.2017 and in W.M.P.(MD)No.8128 of 2017 dated 13.07.2017.

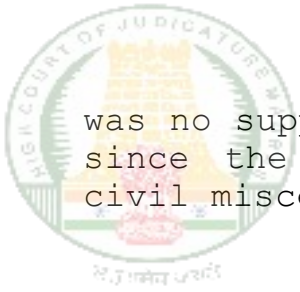
2. Heard Mr.S.Meenakshi Sundaram, learned Senior counsel for the appellant and Mr.Krishna Srinivasan, learned counsel for the respondents and perused the records.

3. This Court, by an order dated 07.12.2017 allowed the writ appeal W.A.(MD)No.1376 of 2017, preferred against the orders passed in W.P.(MD)No.4690 of 2017.

4. In the light of the above fact, this writ appeal is dismissed as infructuous. No costs.

5. Mr.Krishna Srinivasan, learned counsel for the petitioner in C.M.P.(MD)No.11567 of 2017 contended that the appellant filed a petition to review the order passed in W.P.(MD)No.4690 of 2017 and it was dismissed, however suppressing the material fact, the appellant obtained leave from this Court. Hence leave granted is to be revoked.

6. Per contra, Mr.S.Meenakshi Sundaram, learned senior counsel for the appellant urged that in the affidavit filed in writ petition, allegations have been levelled against the appellant, so in all fairness, the appellant should have been made as a party in the writ proceedings. Further, there



was no suppression of fact as alleged by the respondent. However, since the writ appeal has been dismissed as infructuous, this civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Industries (MMDI) Dept. Government of Tamilnadu,
Fort St. George,
Chennai - 09.

2. The Commissioner of Geology & Mining,
Guindy,
Chennai - 32.

3. The District Collector,
Kanyakumari District,
Nagercoil - 629 001.

+ 1 cc TO The Special Government Pleader in SR No. 93570
+ 1 cc TO Mr.C.Muthu Saravanan , Advocate in SR No. 93269
+ 1 cc TO Mr.N.GA.Nataraj , Advocate in SR No. 92893

sm

AE/KK/SAR1/12.01.2018/3P/7C

W.A. (MD) No.1425 of 2017
15.12.2017