



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.[MD].No.8417 of 2015 and
M.P.(MD)Nos.1 and 2 of 2015

V.Ravichandran

: Petitioner

Vs.

1. The District Collector,
Theni District, Theni.
2. The Assistant Director,
Mines and Mineral Department,
Collectorate Complex,
Theni, Theni District.
3. The District Forest Officer,
Theni District, Theni.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned notification in Na.Ka.174/Mines/2014 dated 27.04.2015 on the file of the 1st respondent and quash the same as illegal and arbitrary and consequently, direct the 1st respondent to declare as Reserve Forest Land bearing in Survey No.1840/1, Part-I, 1840/1, Part-II total extent as 2 Hectares which is situated at Combai Village, Uthamapalayam Taluk, Theni District, within the time limit that may be stipulated by this Court

For Petitioner : Mr.A.D.Ganeshamoorthi
For Respondents : Mr.V.Muruganantham, AGP

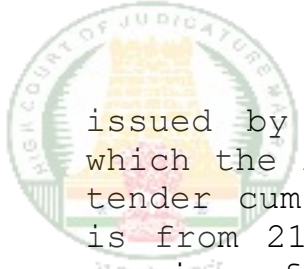
O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.A.D.Ganeshamoorthi, learned counsel for the petitioner and Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

2.This Writ Petition has been filed challenging a notification



issued by the District Collector, dated 27.04.2015 in and by which the lease hold right of a rough stone quarry was brought for tender cum auction. Admittedly, the validity of the lease period is from 21.02.2011 to 20.02.2014. Therefore as of now, nothing survives for adjudication in this Writ Petition. More so when no interim order granted in the writ petition. Furthermore, in paragraph 3 of the counter affidavit filed by the District Collector, it is stated that the previous lessee of the very same quarry were using the lands adjoining patta lands in S.F.No.1844 and 1845 as pathway to transport the quarry materials with consent of the land owner and at present, the land owner is objecting to the said land being used as pathway and there is a possibility of using another road as a pathway.

3.Considering the fact that the period of lease is already over, we are of the view that nothing survives for adjudication in the writ petition. However, if the grievance of the petitioner still subsists, it is open to the petitioner to approach the District Collector by way of fresh representation.

4.With the above observation, the present Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Theni District, Theni.
2. The Assistant Director,
Mines and Mineral Department,
Collectorate Complex,
Theni, Theni District.
3. The District Forest Officer,
Theni District, Theni.

+ 1 CC TO Mr.A.D.GANESHAMOORTHY, ADVOCATE IN SR No. 53868
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 53925

ARUL

TE/SV : 04/05/2017 : 2P/6C